

in executive session the doors were reopened, and (at 6 o'clock p. m., Thursday, July 30, 1914) the Senate took a recess until to-morrow, Friday, July 31, 1914, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate July 30 (legislative day of July 27), 1914.*

##### PROMOTION IN THE ARMY.

First Lieut. Edgar D. Craft, Medical Corps, to be captain from July 8, 1914, after three years' service.

##### APPOINTMENTS IN THE PUBLIC HEALTH SERVICE.

Thomas Francis Keating to be assistant surgeon in the Public Health Service. (New office.)

Clarence Henry Waring to be assistant surgeon in the Public Health Service. (New office.)

George Alexander Wheeler to be assistant surgeon in the Public Health Service. (New office.)

Roland Edward Wynne to be assistant surgeon in the Public Health Service. (New office.)

Henry Charles Yarbrough to be assistant surgeon in the Public Health Service. (New office.)

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 30 (legislative day of July 27), 1914.*

##### CONSUL.

John F. Jewell to be consul at Chefoo, China.

##### COLLECTOR OF INTERNAL REVENUE.

Emanuel J. Doyle to be collector of internal revenue for the fourth district of Michigan.

SECOND ASSISTANT CHIEF OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Frank R. Rutter to be (Second) Assistant Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce.

##### POSTMASTERS.

###### MINNESOTA.

Henry P. Dunn, Brainerd.

John B. Hughes, Lake Benton.

Halvor T. Moland, Buffalo.

Frank Plotts, Blooming Prairie.

###### NEBRASKA.

John Conroy, Shelton.

George W. Ewing, Nelson.

Edward P. Fitzgerald, Elm Creek.

### HOUSE OF REPRESENTATIVES.

THURSDAY, July 30, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, O God our heavenly Father, for this day, with its gracious privileges. Strengthen us, we beseech Thee, that we may be able to discharge its obligations in accordance with Thy will and pleasure. In the spirit of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

##### LEAVE OF ABSENCE.

Mr. LEVER, by unanimous consent (at the request of Mr. LEE of Georgia), was granted leave of absence on account of sickness.

##### LEAVE TO EXTEND REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of woman suffrage.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD on the subject of woman suffrage. Is there objection?

Mr. GORDON. Mr. Speaker, I object. It is a State question; a State issue.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] objects.

##### PAYMENT UNDER RECLAMATION PROJECTS.

The SPEAKER. When the House adjourned yesterday it was voting on the Underwood amendment to the bill (S. 4628) ex-

tending the period of payment under reclamation projects. There was no quorum present, and that left it hanging up. The Clerk will report the Underwood amendment.

The Clerk read as follows:

Amend, on page 11, by adding, after section 15, a new section, as follows:

"Sec. 16. That from and after July 1, 1915, expenditures shall not be made for carrying out the purposes of the reclamation law except out of appropriations made annually by Congress therefor, and the Secretary of the Interior shall, for the fiscal year 1916 and annually thereafter, in the regular Book of Estimates submit to Congress estimates of the amount of money necessary to be expended for carrying out any or all of the purposes authorized by the reclamation law, including the extension and completion of existing projects and units thereof and the construction of new projects. The annual appropriations made hereunder by Congress for such purposes shall be paid out of the reclamation fund provided for by the reclamation law."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BRYAN. A division, Mr. Speaker.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] demands a division. Those in favor of the amendment will rise and stand until they are counted. [After counting.] Forty-four gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Fifteen gentlemen have risen in the negative.

Mr. BRYAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. On this vote the ayes are 44 and the noes are 15. The gentleman from Washington [Mr. BRYAN] makes the point of no quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the Underwood amendment will, when their names are called, vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 178, nays 49, answered "present" 2, not voting 203, as follows:

##### YEAS—178.

Abercrombie	Dent	Helvering	Peters, Mass.
Adamson	Dickinson	Hensley	Peters, Me.
Alexander	Difenderfer	Hill	Peterson
Allen	Dixon	Holland	Platt
Ansberry	Donohoe	Howard	Plumley
Anthony	Donovan	Hull	Post
Bailey	Doollittle	Humphreys, Miss.	Prouty
Baker	Doremus	Jacoway	Quin
Baltz	Doughton	Johnson, Ky.	Rainey
Barkley	Drukker	Kennedy, Conn.	Reed
Barnhart	Dunn	Kennedy, Iowa	Reilly, Wis.
Bathrick	Eagan	Kennedy, R. I.	Rogers
Beakes	Elder	Kent	Rubey
Blackmon	Esch	Key, Ohio	Rucker
Booher	Farr	Kiess, Pa.	Russell
Bowdle	Fergusson	Kindel	Saunders
Britten	Fess	Kirkpatrick	Scott
Brockson	Finley	Konop	Shackleford
Brodbeck	Flood, Va.	La Follette	Sims
Broussard	Floyd, Ark.	Lee, Ga.	Sisson
Brown, N. Y.	Foster	Lee, Pa.	Smith, Md.
Brumbaugh	Fowler	Leshner	Smith, Saml. W.
Buchanan, Ill.	Gallagher	Lewis, Md.	Sparkman
Buchanan, Tex.	Gallivan	Lieb	Stedman
Burgess	Garner	Linthicum	Stone
Burke, S. Dak.	Garrett, Tenn.	Lloyd	Talcott, N. Y.
Burke, Wis.	Garrett, Tex.	Logue	Tavener
Burnett	Gilmore	McCoy	Taylor, Ark.
Butler	Godwin, N. C.	McKenzie	Towner
Campbell	Good	Madden	Treadway
Candler, Miss.	Goodwin, Ark.	Maguire, Nebr.	Tribble
Cantor	Gordon	Mahan	Tuttle
Caraway	Goulden	Mann	Underwood
Clark, Fla.	Graham, Ill.	Mapes	Walsh
Claypool	Gray	Mitchell	Watkins
Cline	Greene, Vt.	Montague	Watson
Coady	Gregg	Moon	Webb
Collier	Hamlin	Moss, Ind.	Whaley
Connelly, Kans.	Hardy	Moss, W. Va.	White
Conry	Harris	Mulkey	Willson, Fla.
Cooper	Harrison	Neely, W. Va.	Wingo
Cox	Haugen	O'Hair	Witherspoon
Cullop	Hay	Oldfield	Woods
Danforth	Heflin	Page, N. C.	
Decker	Helm	Park	

##### NAYS—49.

Anderson	Hayden	Miller	Stephens, Cal.
Barton	Hayes	Mondell	Stevens, Minn.
Bell, Cal.	Helgesen	Nolan, J. I.	Stevens, N. H.
Bryan	Howell	Norton	Stout
Church	Hulings	Pattin, Pa.	Sutherland
Curry	Johnson, Utah	Raker	Taylor, Colo.
Dillon	Johnson, Wash.	Roberts, Nev.	Thomson, Ill.
Evans	Keating	Seldomridge	Volstead
Falconer	Kelly, Pa.	Sells	Woodruff
Ferris	Kinkaid, Nebr.	Sinnott	Young, N. Dak.
French	Lindbergh	Sloan	
Hammond	MacDonald	Smith, Idaho	
Hawley	Manahan	Smith, Minn.	

##### ANSWERED "PRESENT"—2.

Clancy	Guernsey
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## NOT VOTING—203.

Adair	Fairchild	Lafferty	Relly, Conn.
Aiken	Faison	Langham	Riordan
Ainey	Fields	Langley	Roberts, Mass.
Ashbrook	Fitzgerald	Lazaro	Rothermel
Aswell	FitzHenry	L'Engle	Rouse
Austin	Fordney	Lenroot	Rupley
Avis	Francis	Lever	Sabath
Barchfeld	Frear	Levy	Scully
Bartholdt	Gard	Lewis, Pa.	Sherley
Bartlett	Gardner	Lindquist	Sherwood
Beall, Tex.	George	Lobeck	Shreve
Bell, Ga.	Gerry	Loft	Slayden
Borchers	Gill	Loneragan	Slemp
Borland	Gillett	McAndrews	Small
Brown, W. Va.	Gittins	McClellan	Smith, J. M. C.
Browne, Wis.	Glass	McGillcuddy	Smith, N. Y.
Browning	Goeke	McGuire, Okla.	Smith, Tex.
Bruckner	Goldfogle	McKellar	Stafford
Bulkeley	Gorman	McLaughlin	Stanley
Burke, Pa.	Graham, Pa.	Maher	Steenerson
Byrnes, S. C.	Green, Iowa	Martin	Stephens, Miss.
Byrnes, Tenn.	Greene, Mass.	Merritt	Stephens, Nebr.
Calder	Griest	Metz	Stephens, Tex.
Callaway	Griffin	Moore	Stringer
Cantrill	Gudger	Morgan, La.	Summers
Carew	Hamill	Morgan, Okla.	Switzer
Carlin	Hamilton, Mich.	Morin	Taggart
Carr	Hamilton, N. Y.	Morrison	Talbot, Md.
Carter	Hardwick	Mott	Taylor, Ala.
Cary	Hart	Murdock	Taylor, N. Y.
Casey	Henry	Murray, Mass.	Temple
Chandler, N. Y.	Hinds	Murray, Okla.	Ten Eyck
Connolly, Iowa	Hinebaugh	Neeley, Kans.	Thacher
Copley	Hobson	Nelson	Thomas
Covington	Houston	O'Brien	Thompson, Okla.
Cramton	Hoxworth	Oglesby	Townsend
Crisp	Hughes, Ga.	O'Leary	Underhill
Crosser	Hughes, W. Va.	O'Shaunessy	Vare
Dale	Humphrey, Wash.	Padgett	Vaughan
Davenport	Icoe	Paize, Mass.	Vollmer
Davis	Johnson, S. C.	Palmer	Walker
Deitrick	Jones	Parker	Wallin
Dershem	Kahn	Patten, N. Y.	Walters
Dies	Kelster	Phayne	Weaver
Doelling	Kelley, Mich.	Phelan	Whitacre
Driscoll	Kettner	Porter	Williams
Dupré	Kinkaid, N. J.	Pou	Willis
Eagle	Kirchin	Powers	Wilson, N. Y.
Edmonds	Knowland, J. R.	Ragdale	Winslow
Edwards	Korby	Rauch	Young, Tex.
Estopinal	Kreider	Rayburn	

So the amendment of Mr. UNDERWOOD was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. GLASS with Mr. SLEMP.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. SHERLEY with Mr. GILLET.

Mr. ASHBROOK with Mr. AUSTIN.

Mr. BARTLETT with Mr. AVIS.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. CANTRILL with Mr. COPLE.

Mr. HOUSTON with Mr. LANGHAM.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. HENRY with Mr. HINDS.

Mr. FAISON with Mr. GREENE of Massachusetts.

Mr. PADGETT with Mr. MORIN.

Mr. MORGAN of Louisiana with Mr. LINDQUIST.

Mr. EDWARDS with Mr. GRIEST.

Mr. WEAVER with Mr. WALTERS.

Mr. BELL of Georgia with Mr. CALDER.

Mr. ESTOPINAL with Mr. FREAR.

Mr. KITCHEN with Mr. ROBERTS of Massachusetts.

Mr. SABATH with Mr. SWITZER.

Mr. LOBECK with Mr. POWERS.

Mr. GORMAN with Mr. McLAUGHLIN.

Mr. LAZARO with Mr. PARKER.

Mr. ASWELL with Mr. CARY.

Mr. CALLAWAY with Mr. WILLIS.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. HUGHES of Georgia with Mr. MERRITT.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. STEPHENS of Texas with Mr. BARTHOLDT.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHERWOOD with Mr. MOTT.

Mr. WILLIAMS with Mr. WINSLOW.

Mr. UNDERHILL with Mr. STEENERSON.

Mr. ADAMS with Mr. BROWNE of Wisconsin.

Mr. AIKEN with Mr. CARY.

Mr. BYRNES of South Carolina with Mr. SHREVE.

Mr. BYRNS of Tennessee with Mr. BARCHFELD.

Mr. CARTER with Mr. DAVIS.

Mr. DUPRE with Mr. CRAMTON.

Mr. FITZGERALD with Mr. KAHN.

Mr. FRANCIS with Mr. CHANDLER of New York.

Mr. GOEKE with Mr. EDMONDS.

Mr. IGOE with Mr. GREEN of Iowa.

Mr. LEVER with Mr. KELLEY of Michigan.

Mr. McANDREWS with Mr. KREIDER.

Mr. McKELLAR with Mr. McGUIRE of Oklahoma.

Mr. POU with Mr. NELSON.

Mr. RAUCH with Mr. PAIGE of Massachusetts.

Mr. PALMER with Mr. MOORE.

Mr. ROUSE with Mr. PORTER.

Mr. SMALL with Mr. VARE.

Mr. SMITH of TEXAS with Mr. TEMPLE.

Mr. TALBOTT of Maryland with Mr. PAYNE.

Mr. JOHNSON of South Carolina with Mr. KEISTER.

Mr. TAGGART with Mr. FORDNEY.

On this vote:

Mr. MORRISON (for the Underwood amendment) with Mr. HUMPHREY of Washington (against).

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. MANN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. The gentleman from Illinois [Mr. MANN] offers a motion to recommit which the Clerk will report.

The Clerk read as follows:

Mr. MANN moves to recommit the bill S. 4628 to the Committee on Irrigation of Arid Lands, with instructions to that committee to report the said bill back to the House forthwith, with the following amendments, to wit:

"Strike out all of section 1 after the enacting clause down to and including line 16, page 2, and insert in lieu thereof the following:

"That any person whose lands hereafter become subject to the terms and conditions of the act approved June 17, 1902, entitled 'An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,' and acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who hereafter makes entry thereunder shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 3 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of the principal of said charge in 35 annual installments, the first 10 of which shall each be 2 per cent of the construction charge and the remaining 25 shall each be 3 per cent until the whole amount shall have been paid. In addition to the principal of the construction charge, there shall be paid in each case annually interest upon the balance of the construction charge remaining unpaid from time to time at the rate of 3 per cent per annum. The first of the said annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available, as announced by the Secretary of the Interior, and the initial payment be made when the charge per acre is established."

"Strike out section 2 and insert in lieu thereof the following:

"Sec. 2. That any person whose land or entry has heretofore become subject to the terms and conditions of the reclamation law shall pay the principal of the construction charge, or the portion of the principal of the construction charge remaining unpaid, in 40 annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued under this act, and subsequent installments on December 1 of each year thereafter. The first 10 of such installments shall each be 1 per cent and the remaining 30 installments shall each be 3 per cent of the total construction charge, or the portion of the construction charge unpaid at the beginning of such installments: *Provided*, That, in addition to the principal of the construction charge, there shall be paid in each case annually interest at the rate of 3 per cent per annum upon such portion of the balance of the construction charge as remains unpaid beyond the time or times fixed for the payment thereof under the reclamation law in force when such land or entry became subject to the terms and conditions of such reclamation law: *Provided further*, That such person may, if he so elects, pay the whole or any part of the construction charge owing by him prior to the time herein required."

Mr. TAYLOR of Colorado. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Forty-eight Members rising to second the demand.



Mr. MANN. If there is any question about it, I ask for the other side.

The SPEAKER. The Chair was just figuring to see whether 48 was a sufficient number. Those opposed to ordering the yeas and nays will rise and stand until they are counted. [After counting.] One hundred and nine in the negative. Forty-eight being more than one-fifth of those voting, the yeas and nays are ordered. The question is on the motion of the gentleman from Illinois [Mr. MANN] to recommit with instructions.

The question was taken; and there were—yeas 81, nays 140, answered "present" 2, not voting 209, as follows:

YEAS—81.			
Anderson	Dunn	Konop	Rainey
Bailey	Eagan	Lewis, Md.	Reilly, Wis.
Baltz	Esch	McCoy	Rogers
Bathrick	Fess	McKellar	Saunders
Beakes	Flood, Va.	McKenzie	Sells
Borchers	Foster	Madden	Sisson
Bowdle	Gallagher	Manahan	Smith, Minn.
Britten	Garrett, Tenn.	Mann	Smith, Saml. W.
Brookson	Good	Mapes	Stevens, N. H.
Buchanan, Tex.	Gordon	Mcon	Talcott, N. Y.
Burgess	Gray	Moss, Ind.	Tavener
Burnett	Greene, Vt.	O'Hair	Thomson, Ill.
Butler	Hardy	Page, N. C.	Townsend
Candler, Miss.	Haugen	Park	Treadway
Cantor	Hay	Patton, Pa.	Tribble
Conry	Holland	Peters, Mass.	Watson
Covington	Hull	Peters, Me.	Webb
Cox	Johnson, Ky.	Platt	Witherspoon
Danforth	Kennedy, Iowa	Plumley	
Doughton	Kennedy, R. I.	Prouty	
Drukker	Kent	Quin	

NAYS—140.			
Abercromble	Difenderfer	Hensley	Post
Adamson	Dillon	Hill	Raker
Alexander	Dixon	Howard	Reed
Allen	Donohoe	Howell	Roberts, Nev.
Ansberry	Donovan	Hulings	Rubey
Anthony	Doolittle	Humphreys, Miss.	Rucker
Baker	Doremus	Jacoway	Russell
Barkley	Elder	Johnson, Utah	Scott
Barnhart	Evans	Johnson, Wash.	Seldomridge
Barton	Falconer	Keating	Shackleford
Bell, Cal.	Farr	Kelly, Pa.	Sims
Blackmon	Ferguson	Kennedy, Conn.	Sinnott
Booher	Ferris	Key, Ohio	Sloan
Brodbeck	Floyd, Ark.	Kindel	Smith, Idaho
Broussard	Fowler	Kinkaid, Nebr.	Smith, Md.
Brown, N. Y.	French	Kirkpatrick	Sparkman
Bryan	Gallivan	La Follette	Stedman
Buchanan, Ill.	Garner	Lee, Pa.	Stevens, Cal.
Burke, S. Dak.	Garrett, Tex.	Leshner	Stevens, Minn.
Burke, Wis.	Gilmore	Lieb	Stone
Campbell	Godwin, N. C.	Lindbergh	Stout
Caraway	Goodwin, Ark.	Linthicum	Sutherland
Church	Goulden	Lloyd	Taylor, Ark.
Clark, Fla.	Graham, Ill.	Logue	Taylor, Colo.
Claypool	Hamlin	MacDonald	Towner
Cline	Hammond	Maguire, Nebr.	Underwood
Coady	Harris	Mahan	Volstead
Collier	Harrison	Mitchell	Watkins
Connelly, Kans.	Hawley	Mondell	Whaley
Cooper	Hayden	Montague	White
Cullop	Hayes	Morgan, Okla.	Wilson, Fla.
Curry	Heflin	Mulkey	Wingo
Decker	Helgesen	Nolan, J. I.	Woodruff
Dent	Helm	Oldfield	Woods
Dickinson	Heilvering	Peterson	Young, N. Dak.

ANSWERED "PRESENT"—2.  
Guernsey  
Morrison

NOT VOTING—209.

Adair	Chandler, N. Y.	George	Johnson, S. C.
Aiken	Clancy	Gerry	Jones
Ainey	Connolly, Iowa	Gill	Kahn
Ashbrook	Copley	Gillett	Kelster
Aswell	Cramton	Gittins	Kelley, Mich.
Austin	Crisp	Glass	Kettner
Avis	Crosser	Goeke	Kiess, Pa.
Barchfeld	Dale	Goldfogle	Kincaid, N. J.
Bartholdt	Davenport	Gorman	Kitchin
Bartlett	Davis	Graham, Pa.	Knowland, J. R.
Beall, Tex.	Deltrick	Green, Iowa	Korbly
Bell, Ga.	Dershem	Greene, Mass.	Kreider
Borland	Dies	Gregg	Lafferty
Brown, W. Va.	Dooling	Griest	Langham
Browne, Wis.	Driscoll	Griffin	Langley
Browning	Dupré	Gudger	Lazaro
Bruckner	Eagle	Hamill	Lee, Ga.
Brumbaugh	Edmonds	Hamilton, Mich.	L'Engle
Bulkley	Edwards	Hamilton, N. Y.	Lenroot
Burke, Pa.	Estopinal	Hardwick	Lever
Byrnes, S. C.	Fairchild	Hart	Levy
Byrns, Tenn.	Falson	Henry	Lewis, Pa.
Calder	Fields	Hinds	Lindquist
Callaway	Finley	Hinebaugh	Lobeck
Cantrill	Fitzgerald	Hobson	Loft
Carew	FitzHenry	Houston	Loneragan
Carlin	Fordney	Hoxworth	McAndrews
Carr	Francis	Hughes, Ga.	McClellan
Carter	Frear	Hughes, W. Va.	McGillcuddy
Cary	Gard	Humphrey, Wash.	McGuire, Okla.
Casey	Gardner	Igoe	McLaughlin

Maher	Paige, Mass.	Shreve	Thacher
Martin	Palmer	Slayden	Thomas
Merritt	Parker	Slomp	Thompson, Okla.
Metz	Patten, N. Y.	Small	Tuttle
Miller	Payne	Smith, J. M. C.	Underhill
Moore	Phelan	Smith, N. Y.	Vare
Morgan, La.	Porter	Smith, Tex.	Vaughan
Morin	Pou	Stafford	Vollmer
Moss, W. Va.	Powers	Stanley	Walker
Mott	Ragsdale	Steenerson	Wallin
Murdock	Rauch	Stephens, Miss.	Walsh
Murray, Mass.	Rayburn	Stephens, Nebr.	Walters
Murray, Okla.	Reilly, Conn.	Stephens, Tex.	Weaver
Neeley, Kans.	Riordan	Stringer	Whitacre
Neely, W. Va.	Roberts, Mass.	Summers	Williams
Nelson	Rothermel	Switzer	Willis
Norton	Rouse	Taggart	Wilson, N. Y.
O'Brien	Rupley	Talbot, Md.	Winslow
Oglesby	Sabath	Taylor, Ala.	Young, Tex.
O'Leary	Scully	Taylor, N. Y.	
O'Shaunessy	Sherley	Temple	
Padgett	Sherwood	Ten Eyck	

So the motion to recommit was lost.

The following additional pairs were announced:

Until further notice:

Mr. BRUCKNER with Mr. NORTON.

Mr. FINLEY with Mr. MILLER.

Mr. DEITRICK with Mr. KIESS of Pennsylvania.

Mr. GRIFFIN with Mr. HAMILTON of New York.

On this vote:

Mr. AVIS (for motion to recommit) with Mr. CLANCY (against).

Mr. MORRISON (for motion to recommit) with Mr. HUMPHREY of Washington (against).

Mr. WALSH. Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. WALSH. No; I was not.

The SPEAKER. The gentleman does not qualify himself.

Mr. WALSH. I would have voted "aye," if I could.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the conference reports on the several bills, S. 5843, S. 5575, S. 5446, S. 4845, S. 4261, and S. 5207.

The SPEAKER. The Clerk will read the first report.

The Clerk read as follows:

#### CONFERENCE REPORT (NO. 1048).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 5, 6, 7, 11, and 15, and agree to the same.

That the House recede from its amendments numbered 2, 3, 4, 8, 9, 10, 13, and 14.

Amendment numbered 12: That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "\$36"; and the House agree to the same.

JOE J. RUSSELL,

GUY T. HELVERING,

M. P. KINKAID,

Managers on the part of the House.

BENJ. F. SHIVELY,

THOMAS STERLING,

Managers on the part of the Senate.

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the con-

ference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

On amendment No. 1: The Senate concurs in the House amendment, on account of soldier's short service and the fact that he has some income aside from his pension.

On amendment No. 2: The House recedes, as the evidence filed in support of the bill shows that the widow is in ill health and is unable to earn a living, and has practically no income outside of her pension; that her husband served more than three years in the Civil War and at his discharge was holding the rank of captain. The claim is a meritorious one, and the proposed increase from \$12 to \$20 fully justified.

On amendment No. 3: The House recedes, as the evidence filed justifies the allowance of the proposed pension of \$12 per month to soldier.

On amendment No. 4: The House recedes, as the evidence filed in support of the bill shows that soldier's death was due to his service, and the proposed pension is fully justified.

On amendment No. 5: The Senate concurs in the House amendment, as the evidence fails to justify the allowance of proposed increase of pension from \$12 to \$20.

On amendment No. 6: The Senate concurs in the House amendment, as proposed increase of pension from \$13 to \$24 is not warranted by the evidence on file.

On amendment No. 7: The Senate concurs in the House amendment, as proposed increase of pension from \$12 to \$20 is not warranted by the evidence on file.

On amendment No. 8: The House recedes, as soldier is shown by additional evidence filed to be almost blind and practically helpless and the owner of no real estate or property of any kind.

On amendment No. 9: The House recedes, as the circumstances disclosed by the evidence on file in support of this bill fully justify the allowance of proposed pension of \$12.

On amendment No. 10: The House recedes, as the evidence in the case clearly shows that proposed pension of \$12 should be allowed.

On amendment No. 11: The Senate concurs in the House amendment, as the evidence is not deemed sufficient to warrant proposed increase.

On amendment No. 12: The Senate concurs in the House amendment with an amendment allowing widow a pension of \$36 per month. The Senate passed this bill at \$40. The House struck the item from the bill. The widow is now pensioned at \$30. The conferees believe the evidence filed in support of this bill fully justifies an allowance of \$36 per month.

On amendment No. 13: The House recedes, as the evidence filed in support of this measure warrants the allowance to the widow of proposed pension of \$12.

On amendment No. 14: The House recedes, as the proposed pension of \$12 to widow is fully justified by the evidence on file.

Amendment No. 15 is a typographical correction.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House.*

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

#### CONFERENCE REPORT (NO. 1047).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5, and agree to the same.

That the House recede from its amendments numbered 2, 6, 8, 9, 10, 11, and 12.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "\$30"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: Restore the

matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "\$20"; and the House agree to the same.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House.*

BENJ. F. SHIVELY,  
THOMAS STERLING,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

On amendment No. 1: The Senate concurs in the House amendment with an amendment at \$30, as the facts in the case presented by the proof are not deemed sufficient to warrant an increase above said amount.

On amendment No. 2: The House recedes, as the proof filed in support of the bill clearly shows that the proposed increase to \$20 is justified.

On amendment No. 3: The Senate concurs in the House amendment of \$24 per month, as the proofs do not justify a higher rate.

On amendment No. 4: The Senate concurs in the House amendment, as the facts presented by the proof are not deemed sufficient to warrant the proposed increase from \$12 to \$20.

On amendment No. 5: The Senate concurs in the House amendment, as the proofs on the file do not bring the case within the rules of the committee relating to widows who married Civil War soldiers subsequent to the act of June 27, 1890.

On amendment No. 6: The House recedes, as the proofs filed in support of the bill show that soldier's death was due to his service and that the pension of \$12 is fully justified.

On amendment No. 7: The Senate concurs in the House amendment with an amendment allowing widow \$20. This is to conform with the rule of the committee.

On amendment No. 8: The House recedes, as the evidence on file shows this claim to be meritorious.

On amendment No. 9: The House recedes, as the claimant is blind and the evidence fully justifies the allowance of the proposed pension of \$12.

On amendment No. 10: The House recedes, as the evidence presented in support of the bill warrants the allowance of proposed pension of \$12.

On amendment No. 11: The House recedes, as the evidence on file in support of this bill justifies proposed increase from \$12 to \$20.

On amendment No. 12: The House recedes, as the evidence filed in support of this measure fully justifies the allowance of the proposed pension of \$12 per month.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House.*

The conference report was agreed to.

The SPEAKER. The Clerk will read the report on the next bill.

The Clerk read as follows:

#### CONFERENCE REPORT (NO. 1046).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 4, 6, 7, 9, 12, 14, 15, 16, and 17, and agree to the same.

That the House recede from its amendments numbered 2, 3, 5, 11, 13, and 18.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and



agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "\$12"; and the House agree to the same.

Amendment numbered 10: That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "\$24"; and the House agree to the same.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House.*

BENJ. F. SHIVELY,  
THOMAS STERLING,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

On amendment No. 1: The Senate concurs in the House amendment, as widow was not the wife of soldier during his service and the facts in the case do not seem to warrant an increase of her pension from \$30 to \$40 proposed by the bill.

On amendment No. 2: The House recedes, as it is shown by the evidence that soldier is suffering from paralysis, is totally blind in one eye and almost helpless, that he is without income, and unable to work.

On amendment No. 3: The House recedes, as the proofs show that soldier is suffering from paralysis and requires the aid and attention of another person.

On amendment No. 4: The Senate concurs in the House amendment, as the facts presented by the proof in the case do not seem to justify proposed pension.

On amendment No. 5: The House recedes, as proposed increase of pension is fully justified by the proof on file.

On amendment No. 6: The Senate concurs in the House amendment, as the proposed increase of pension does not seem to be justified by the evidence presented.

On amendment No. 7: The Senate concurs in the House amendment, as the proposed increase of widow's pension from \$12 to \$20 does not seem to be justified by the evidence on file.

On amendment No. 8: The Senate concurs in the House amendment with an amendment allowing widow \$12 per month. The conferees believe the facts in this case fully justify the allowance of the pension of \$12 to widow.

On amendment No. 9: The Senate concurs in the House amendment, as the facts presented by the proofs do not seem to justify proposed increase.

On amendment No. 10: The Senate concurs in the House amendment with an amendment allowing soldier \$24 per month pension. The Senate passed this bill at \$30; the House struck the item from the bill. As soldier served more than one year in the Civil War and is shown by the files in the Bureau of Pensions to be suffering from rheumatism, disease of the heart, enlarged prostate, and double inguinal hernia, and to be totally disabled and prevented from performing manual labor, and is now past 74 years of age, without any property or income other than his pension, the conferees believe a rating of \$24 per month is fully justified.

On amendment No. 11: The House recedes, as the proof on file in support of the bill show that claimant is crippled and is in such enfeebled condition that she needs the aid and attention of another person and that she has no income and is dependent largely upon contributions from charitable friends for her support. The case is a meritorious one and the allowance of the proposed pension of \$12 is fully justified.

On amendment No. 12: The Senate concurs in the House amendment, as soldier is dead.

On amendment No. 13: The House recedes, as it is shown by proofs on file that soldier is old and totally disabled and wholly incapacitated for the performance of any kind of labor, and by reason thereof is obliged to have a personal attendant most of the time. He has no property or income other than his pension for the support of himself and wife, and the proposed increase of his pension to \$30 per month is fully justified.

On amendment No. 14: The Senate concurs in the House amendment, as the facts presented by the proofs are not deemed sufficient to warrant proposed increase.

On amendment No. 15: The Senate concurs in the House amendment, as the proof does not justify an increase of soldier's pension to more than \$24.

On amendment No. 16: The Senate concurs in the House amendment, as the facts in the case do not warrant a rating above \$30.

On amendment No. 17: The Senate concurs in the House amendment, as the proposed increase from \$12 to \$20 is not justified by the proof on file.

On amendment No. 18: The House recedes, as the facts in the case fully justify the allowance of \$30 to soldier.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House.*

The conference report was agreed to.

The SPEAKER. The Clerk will read the next conference report.

The Clerk read as follows:

#### CONFERENCE REPORT (No. 1044).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 5, 6, 8, 9, and 14, and agree to the same.

That the House recede from its amendments numbered 1, 2, 3, 4, 7, 10, and 12.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "\$40"; and the House agree to the same.

Amendment numbered 13: That the Senate recede from its disagreement to the amendment of the House numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "\$36"; and the House agree to the same.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House.*

BENJ. F. SHIVELY,  
THOMAS STERLING,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

On amendment No. 1: The House recedes, as the evidence on file with the bill shows that the widow is entitled to the proposed increase.

On amendment No. 2: The House recedes, as the proofs on file in support of the bill disclose that soldier is clearly entitled to the \$50 proposed.

On amendment No. 3: The House recedes, as the facts in the case justify the allowance of proposed pension of \$12 to widow.

On amendment No. 4: The House recedes, as the evidence on file shows that soldier is almost blind and practically helpless and requires the care and assistance of another person, and that he is without property or income of any kind except his pension.

On amendment No. 5: The Senate concurs in the House amendment, on account of soldier's short service.

On amendment No. 6: The Senate concurs in the House amendment, as the soldier is dead.

On amendment No. 7: The House recedes, as the proofs on file disclose that the proposed pension of \$12 to widow is fully justified.

On amendment No. 8: The Senate concurs in the House amendment, on account of soldier's short service and because he is an inmate of the Soldiers' Home.

On amendment No. 9: The Senate concurs in the House amendment, as additional proofs filed show the proposed pension of \$45 to be fully justified.

On amendment No. 10: The House recedes, as the evidence on file in support of this measure shows that the proposed pension should be allowed.

On amendment No. 11: The Senate concurs in the House amendment with an amendment allowing widow \$40 per month to widow. The Senate had passed the bill at \$50 and the House reduced this to \$30. The conferees believe that \$40 per month is fully justified by the proofs on file.

On amendment No. 12: The House recedes, as the proofs show that soldier is totally disabled and entirely unable to perform manual labor for his support and has no income other than his pension.

On amendment No. 13: The Senate concurs in the House amendment with an amendment allowing widow \$36 per month. The Senate had passed the bill at \$50, which amount was reduced by the House to \$24. The conferees believe that the facts in the case fully justify an allowance of \$36 to widow.

On amendment No. 14: The Senate concurs in the House amendment, as the soldier is dead.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House.*

The conference report was agreed to.

The SPEAKER. The Clerk will read the next report.

The Clerk read as follows:

#### CONFERENCE REPORT (NO. 1043).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 7, 13, 14, 15, 16, 19, and 20, and agree to the same.

That the House recede from its amendments numbered 2, 4, 5, 6, 8, 9, 10, 11, 12, and 18.

Amendment numbered 17: That the Senate recede from its disagreement to the amendment of the House numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "\$36"; and the House agree to the same.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House,*

BENJ. F. SHIVELY,  
THOMAS STERLING,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

On amendment No. 1: The Senate concurs in the House amendment, as soldier is dead.

On amendment No. 2: The House recedes from its amendment, as soldier is shown by evidence on file to be totally disabled and to have no income excepting his pension.

On amendment No. 3: The Senate concurs in the House amendment, as the evidence on file in the case shows that the amount of property owned by the beneficiary does not justify special legislation in her behalf.

On amendment No. 4: The House recedes, as the evidence on file in support of this bill fully warrants the increase proposed.

On amendment No. 5: The House recedes, as the evidence in support of the bill shows that soldier requires the aid and assist-

ance of another person for his care, while for the past three months he has been confined to his room. He has no income other than his pension.

On amendment No. 6: The House recedes, as the proof on file in support of this measure discloses that soldier is totally disabled and has no income other than his pension.

On amendment No. 7: The Senate concurs in the House amendment, as the beneficiary is dead.

On amendment No. 8: The House recedes, as the proof filed in the case shows conclusively that the amount allowed by the Senate is justified.

On amendment No. 9: The House recedes, as the evidence on file in this case shows that soldier is totally disabled and has no income other than his pension.

On amendment No. 10: The House recedes, as it is shown by the proof on file in support of this bill that while soldier only had 86 days actual service, from the time he was enlisted until the time he was discharged 92 days had elapsed, and the proposed pension is justified.

On amendment No. 11: The House recedes, as additional proof presented in support of the bill shows that soldier has no income other than his pension and that he is totally disabled, and the amount proposed by the bill is fully justified.

On amendment No. 12: The House recedes, as the evidence on file clearly shows that proposed pension of \$12 per month is justified.

On amendment No. 13: The Senate concurs in the House amendment, on account of the short service of soldier.

On amendment No. 14: The Senate concurs in the House amendment, as the statement as to claimant's financial condition is not considered sufficient to bring the case within the rules of the committees of both Houses as to destitution.

On amendment No. 15: The Senate concurs in the House amendment to reduce the amount from \$30 to \$24 per month, as the evidence on file does not warrant a higher rate.

On amendment No. 16: The Senate concurs in the House amendment, as the facts in the case presented by the proofs do not justify special legislation for claimant.

On amendment No. 17: The Senate concurs in the House amendment, with an amendment allowing \$36 per month pension to the widow. The Senate proposed an allowance of \$50 per month, which was reduced by the House to \$24 per month. The conferees believe the evidence on file fully justifies the proposed allowance of \$36.

On amendment No. 18: The House recedes, as additional evidence filed with the committee clearly shows that proposed pension of \$30 is fully justified by the facts in the case.

On amendment No. 19: The Senate concurs in the House amendment, as soldier is dead.

On amendment No. 20: The Senate concurs in the House amendment, as the evidence shows that the widow is not in destitute circumstances and that special legislation in her behalf is not justified.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,

*Managers on the part of the House,*

The conference report was agreed to.

The SPEAKER. The Clerk will read the next report.

The Clerk read as follows:

#### CONFERENCE REPORT (NO. 1045).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 3, 12, 13, 15, 21, and 22, and agree to the same.

That the House recede from its amendments numbered 1, 2, 4, 5, 7, 8, 9, 10, 11, 14, 16, 17, 18, and 19.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "\$24"; and the House agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment as follows: Restore the



matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "\$30"; and the House agree to the same.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,  
*Managers on the part of the House.*  
BENJ. F. SHIVELY,  
THOMAS STERLING,  
*Managers on the part of the Senate.*

## STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, viz:

On amendment No. 1: The House recedes, as the evidence on file fully justifies an allowance of proposed pension.

On amendment No. 2: The House recedes, as the proofs on file in support of the bill justify the allowance of proposed pension of \$36 to soldier.

On amendment No. 3: The Senate concurs in the House amendment, as beneficiary is dead.

On amendment No. 4: The House recedes, as it is shown by the proof on file with the bill that soldier is totally disabled and unable to perform manual labor for his support, and that he has dependent upon him an invalid wife, and no income other than his pension.

On amendment No. 5: The House recedes, as the evidence on file discloses that allowance of the proposed pension of \$12 to the widow is meritorious.

On amendment No. 6: The Senate concurs in the House amendment with an amendment allowing \$24, which is believed to be justified by the evidence on file.

On amendment No. 7: The House recedes, as it is shown by the evidence on file that the allowance of the proposed pension is justified.

On amendment No. 8: The House recedes, as the proofs on file in support of the bill show that the soldier is totally disabled and unable to perform manual labor and has no income other than his pension.

On amendment No. 9: The House recedes, as the evidence on file in support of the bill fully justifies the allowance of the proposed pension of \$30 to soldier.

On amendment No. 10: The House recedes, as the facts in the case, as shown by the proofs on file, show that the case is a meritorious one and that the proposed pension is justified.

On amendment No. 11: The House recedes, as the proof on file in support of the bill clearly shows that the proposed pension to the widow should be allowed.

On amendment No. 12: The Senate concurs in the House amendment, to conform with the rules of the committee.

On amendment No. 13: The Senate concurs in the House amendment, as the evidence on file discloses that widow is possessed of sufficient property that her case is not considered to come within the rules of the committees.

On amendment No. 14: The House recedes, as the facts in the case, shown by proofs on file, fully justify the allowance of proposed pension of \$36 to soldier.

On amendment No. 15: The Senate concurs in the House amendment, as the proof fails to show facts sufficient to warrant proposed increase of pension.

On amendment No. 16: The House recedes, as the evidence filed shows soldier to be totally disabled and unable to work and without income.

On amendment No. 17: The House recedes, as the proposed allowance of \$40 is fully justified by the evidence on file in support of the bill.

On amendment No. 18: The House recedes, as the evidence on file clearly shows the proposed pension of \$30 to be fully justified.

On amendment No. 19: The House recedes, as the proposed pension is clearly shown to be meritorious by the proof on file.

On amendment No. 20: The Senate concurs in the House amendment with an amendment allowing soldier \$30 per month, as it is shown that he is totally disabled and unable to work and has no income.

Amendment No. 21 is a typographical correction.

On amendment No. 22: The Senate concurs in the House amendment, as the facts in the case do not justify proposed increase of pension.

JOE J. RUSSELL,  
GUY T. HELVERING,  
M. P. KINKAID,  
*Managers on the part of the House.*

The conference report was agreed to.

## EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend in the Record my remarks upon the right of women to vote.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record on female suffrage. Is there objection?

Mr. MANN. Reserving the right to object, does the gentleman intend to extend in the Record what was objected to the other day?

Mr. RAKER. What was that?

Mr. MANN. The gentleman from Wyoming objected, and I see that he is here.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, does the gentleman from California intend to include in his remarks the statement of the premier, the Secretary of State, on this subject?

Mr. RAKER. That is my purpose.

Mr. MONDELL. I have no objection to having illustrious converts to the faith, the more illustrious the better.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman whether it would be perfectly agreeable to him to insert in connection with the statement of the Secretary of State the resolution or action of the Democratic caucus in this House, which the gentleman, of course, is familiar with?

Mr. RAKER. I will say to the gentleman that that will be taken up as a separate matter.

Mr. MANN. The gentleman from California wants to have circulated, for political purposes in his State, the statement of the Secretary of State, which might lead people in California to think that the Democratic Party in the House was in favor of woman suffrage. Does not the gentleman think that in fairness to his constituents he ought to insert in connection with his speech the record of the Democratic caucus declining to favor woman suffrage and declaring that it was not a national issue?

Mr. HEFLIN. Mr. Speaker, I would like to say to the gentleman from California that the Democratic caucus did not declare for or against woman suffrage. It was my resolution that the caucus adopted, and it simply declared that the question of suffrage is a State and not a Federal question.

Mr. MANN. That is what I stated when the gentleman said that the caucus took no such action.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. TALCOTT of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a letter from the Secretary of Commerce.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by printing a letter from the Secretary of Commerce. Is there objection?

Mr. MANN. Reserving the right to object, in relation to what?

Mr. TALCOTT of New York. In relation to the statement issued by the Department of Commerce a week or so ago in relation to imports and exports.

Mr. MANN. I have been trying to get from the Department of Commerce for two months a statement which it issues and gives to the press. It no longer publishes its monthly information, as it used to. It says that it is willing to furnish it to me, but does not do so. Until it furnishes that information I shall object.

## GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general dam bill.

The SPEAKER. The gentleman from Georgia moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 16053, the general dam bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

#### GENERAL DAM ACT.

The committee resumed its session.

Mr. TALCOTT of New York. Mr. Chairman, I move to strike out the last word. Last week the gentleman from Nebraska [Mr. SLOAN] placed in the RECORD certain tables which related to the imports—

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman is not in order.

Mr. TALCOTT of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The Chair thinks the point of order of the gentleman from Illinois to be well taken. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. In order, of course.

The CHAIRMAN. The gentleman did not put that condition in his request.

Mr. MANN. I shall object unless—

The CHAIRMAN. Is there objection to the request of the gentleman from New York to proceed for five minutes? [After a pause.] The Chair hears none.

Mr. MANN. Oh, Mr. Chairman, the gentleman has the floor for five minutes. I ask whether it is to be in order or out of order?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I think the gentleman from Illinois is a bit previous in raising the question of order, for if there is one man who violates the rules of order in this House it is the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I decline to be lectured by the gentleman from Connecticut. I am not out of order.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. TALCOTT of New York. Mr. Chairman, as I was saying, the gentleman from Nebraska [Mr. SLOAN] placed in the RECORD last week on two occasions tables which related to the imports of breadstuffs into the United States—

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman is not proceeding in order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Sec. 4. That as a part of the conditions and stipulations such approval shall provide—

(a) For reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans as heretofore provided, and for such supervision of construction as may be necessary in the interest of the United States.

(b) For the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance in and about such streams by the United States of headwater improvements of every kind, nature, and description, including storage reservoirs or forested watersheds or land owned, located, or reserved by the United States at the headwaters of any navigable stream for the development, improvement, or preservation of navigation in such stream in which such dam may be located. Such charges shall be fixed from time to time by the Secretary of War and Chief of Engineers and to be based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to 5 per cent of the total investment cost in addition to the necessary annual expense of the operation of such headwater improvement.

Mr. RAINEY rose.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The Clerk has read only paragraphs (a) and (b) of section 4, and under the rules I think the whole section should be first read before amendments are offered.

Mr. ADAMSON. That is my understanding.

The CHAIRMAN. The Clerk will complete the reading of the section.

The Clerk read as follows:

That in the construction, maintenance, and operation of any project under this act for the promotion of navigation the grantee may, with the consent of the Secretary of War, use and occupy, when necessary for carrying out the project, lands acquired by the United States through purchase or condemnation and any part of the public lands withdrawn by the President from entry or disposition for the sole purpose of promoting navigation, which the President may do, as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases," approved June 25, 1910. For any of such lands so used the grantee shall pay to the United States such charges as may be fixed by the Secretary of War.

(d) For the payment or securing the payment to the United States of such sums and in such manner as the Secretary of War and the Chief of Engineers may deem reasonable and just substantially to restore conditions upon such stream as to navigability as existing at the time of such approval, whenever the Secretary of War and the Chief of Engineers shall determine that navigation would be injured by reason of the construction, maintenance, and operation of such dam and its accessory works.

Mr. RAINEY. Mr. Chairman, I move to strike out the language from line 24, on page 4, down to and including line 19, on page 5.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out, on page 4, lines 24 and 25, and down to and including line 19 on page 5.

Mr. MANN. Mr. Chairman, I ask that the Clerk report the language which it is proposed to strike out.

The CHAIRMAN. Without objection, the Clerk will report the language proposed to be stricken out.

The Clerk read as follows:

For the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance, in and about such streams by the United States of headwater improvements of every kind, nature, and description, including storage reservoirs or forested watersheds or land owned, located, or reserved by the United States at the headwaters of any navigable stream for the development, improvement, or preservation of navigation in such stream in which such dam may be located. Such charges shall be fixed from time to time by the Secretary of War and Chief of Engineers and to be based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to 5 per cent of the total investment cost, in addition to the necessary annual expense of the operation of such headwater improvement.

Mr. ADAMSON. Mr. Chairman, can we not reach some agreement as to the time for debate upon this section?

Mr. RAINEY. I think I can get through in 10 minutes.

Mr. ADAMSON. How much time will gentlemen on the other side of the aisle require on this section?

Mr. RAINEY. I mean on this amendment. I have two other amendments.

Mr. ADAMSON. How much more time will the gentleman want on the entire section?

Mr. RAINEY. I think I would like to have at least 20 minutes.

Mr. STEVENS of New Hampshire. I have one amendment which I desire to offer.

Mr. STEVENS of Minnesota. Mr. Chairman, I think we had better proceed for the present. There are several amendments to be offered upon this side.

Mr. ADAMSON. I have no desire to cut off the offering of amendments.

Mr. STEVENS of Minnesota. I think we can proceed a little better if we proceed on each amendment by itself.

Mr. UNDERWOOD. Mr. Chairman, I think it is important that we should get through with this bill. I do not want to unduly cut off debate, but I think that the debate ought to be limited to five minutes on a side on each amendment, and I wish to give notice that I shall insist upon the enforcement of the rule.

Mr. ADAMSON. Mr. Chairman, I do not want to be drastic at all, but we have consumed lots of time in debate, and the whole subject has been exhausted. I would be very glad if we could have some amicable agreement for time on every section.

Mr. STEVENS of Minnesota. Mr. Chairman, I think the quicker way would be to proceed in order on each amendment as it is offered.

Mr. DONOVAN. Mr. Chairman, I wish to make an observation. The gentleman from New York [Mr. TALCOTT], who is



here every session of the House and who seldom addresses the House, asked a short time ago to be permitted to proceed for five minutes. I think we had better have a quorum here to do business. There is not a Member of this House who is more faithful in attendance but who takes up less time than the gentleman from New York.

Mr. FOSTER. Mr. Chairman, I demand the regular order.

Mr. DONOVAN. I am going to make the point of order of no quorum.

Mr. TALCOTT of New York. Oh, I ask the gentleman not to do that.

Mr. DONOVAN. Well, what is the use of violating the rules forty times a day?

The CHAIRMAN. Does the gentleman from Connecticut insist upon his point of order?

Mr. DONOVAN. No; I withdraw the point of order.

Mr. RAINEY. Mr. Chairman, this is the one clause in the bill as reported by the committee which provides for revenue. At this point in the bill I intended, as I stated during the general debate, to move to strike out this entire provision for revenue and to substitute another provision similar to the Sherley amendment, which has already been adopted.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. RAINEY. Yes.

Mr. MANN. Is this provision in the substitute which the gentleman has moved to strike out—

Mr. RAINEY. I have simply moved to strike out certain language. I have not offered any substitute.

Mr. MANN. The gentleman does not understand me. The Clerk is reading the substitute?

Mr. RAINEY. Yes.

Mr. MANN. And the gentleman has moved to strike out certain language?

Mr. RAINEY. Yes.

Mr. MANN. Is the provision which the gentleman moves to strike out in conflict with the Sherley amendment?

Mr. RAINEY. No; it is not in conflict with anything in the world. It is not in conflict with anything that anybody can possibly imagine.

Mr. MANN. I do not mean the gentleman's amendment, but I mean the provision in the substitute.

Mr. RAINEY. No; it is not in conflict with the Sherley amendment, nor with anything else, and that is the reason I am moving to strike it out. I intended to offer an amendment of my own similar to the Sherley amendment, striking out what I have now moved to strike out and inserting a provision similar to the Sherley amendment, but I am moving now to strike this out because it means absolutely nothing. The Sherley amendment accomplishes what I wanted accomplished. Every time the general dam bill is amended this particular provision is carefully rewritten, and it has been rewritten two or three times in this proposed bill before the bill has reached its present stage.

I do not think this clause ought to remain in the bill, thereby creating the impression that we at some future time expect to get revenue out of it. The Chief of Engineers holds that we can never expect any revenue from this clause, and I called attention during the speech of the gentleman from Minnesota [Mr. STEVENS] to the recent letter to me from the Chief of Engineers on this question. Here is an attempt to collect from dams located along a river returns for benefits they may derive from headwater improvements or reforested headwaters. There are no headwater reservoirs on any river in the United States except on the Mississippi River. The Chief of Engineers holds these reservoirs do not benefit in the least dams that may be below them, and in effect holds that no headwater reservoirs will ever benefit any dam so far as water power is concerned, because during the period of low water, and that is always in the wintertime, these storage reservoirs are closed in order to store up water for the ensuing period of navigation, and they therefore hold that headwater reservoirs do not do any good so far as the development of water power is concerned. The only other improvements that can possibly be imagined are reforested headwaters, and the Chief of Engineers holds it is impossible to determine from the data they have whether reforested headwaters will ever be of any assistance to water-power projects upon rivers below the headwaters so reforested, and in his letter to me, in effect, he states that there is only one way to determine that question, and that is to denude the headwaters of rivers, cut off all vegetation, and then make observations for a period of 100 years; then reforest the same hills and make observations for another period of another 100 years. Now, it will take 100 years, as anybody knows, to properly reforest these headwater sections again. Therefore,

before we can determine whether the dams in the river where headwaters have been reforested will be benefited by the reforesting of the headwaters we will have to wait 300 years. I want to read what the War Department holds—

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. May I have five minutes more?

Mr. UNDERWOOD. Mr. Chairman, I do not like to object to the request of my friend, but I think we ought to move along with this bill, and I stated before the gentleman started—

Mr. MANN. I think when debate is legitimate and a gentleman wants to discuss some amendment he ought to have five minutes more.

Mr. UNDERWOOD. I have no objection in the world to the gentleman proceeding, but we never will get through if we have unlimited debate in the committee; but as the gentleman had taken the floor I will yield to the gentleman's request, but after this I intend to insist.

Mr. MANN. Mr. Chairman, the gentleman from Alabama will remember—

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman from Illinois has not the floor, and yet—

The CHAIRMAN. The gentleman from Illinois asked unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman from Alabama will remember when the matter of debate was under consideration it was stated that there would be fair liberality of debate under the five-minute rule.

Mr. UNDERWOOD. I desire to do that now, but I will say to the gentleman candidly what my purpose is. It is not so much the desire to push this bill. I know this bill will go to the Senate and be largely amended and come back finally on a conference report. If it goes through, these questions will be thrashed out, but I will say very candidly a good many Members want to get home—

Mr. MANN. I understand—

Mr. UNDERWOOD. There is following this bill, which can not come up until this bill is out of the way, the Moon bill in reference to railway mail pay and with reference to parcel post and other matters, and I would like it passed by the House before we agree that a quorum can drop out for a few weeks. Now, I am anxious to get this bill through.

Mr. MANN. I understand, but why not follow the custom which has prevailed largely, and I think quite successfully, in reference to this, and that is to limit the time for debate by unanimous consent and give gentlemen time who desire to have it.

Mr. UNDERWOOD. I am very willing to do that if the House will agree on a reasonable time for debate. We spent two days in debating one item, and I think the first two or three gentlemen who spoke gave all that probably could be stated in reference to it.

Mr. MANN. Oh, well, the gentleman from Alabama spoke in general debate, and then spoke again, and I do not know, but I thought, he gave us fuller information. The gentleman spoke and gave us all the information possible.

Mr. UNDERWOOD. I am not speaking of general debate, but I am sure that my speech, if carefully read, will bring some information to the House, but I am anxious, if the House is willing, to agree to a reasonable amount of debate. I ask unanimous consent, Mr. Chairman, that general debate on this amendment close in 15 minutes, 5 minutes to be given to the gentleman from Illinois, 5 minutes to myself, to be yielded—

Mr. STEVENS of Minnesota. Mr. Chairman, since I am responsible for the numerous changes described, I think I ought to have an opportunity to say something, since I am responsible for the original proposition.

Mr. UNDERWOOD. Then I will ask that general debate close in 30 minutes on this amendment, half the time to be controlled by the gentleman from Illinois and half of the time by the gentleman from Minnesota.

Mr. STEVENS of Minnesota. I do not think we need take as much time as that. If the gentleman can be satisfied with 10 minutes I think we can be.

Mr. UNDERWOOD. Well, say 20 minutes.

Mr. LIEB. May I have five minutes?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate close in 20 minutes, 10 minutes to be controlled by the gentleman from Illinois and 10 minutes by the gentleman from Minnesota. Is there objection?

Mr. COOPER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER. Does that relate to the amendment offered by the gentleman from Illinois [Mr. RAINEY] only?

Mr. UNDERWOOD. Solely.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois [Mr. RAINEY] is recognized.

Mr. RAINEY. Mr. Chairman, I simply want to read some extracts from a letter on the subject of headwater reservoirs and reforested headwaters from the Chief of Engineers:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, May 14, 1914.

The SECRETARY OF WAR.

SIR: I. Referring to letter of the 8th instant from Hon. H. T. RAINEY, M. C., to you, asking for certain information in regard to reservoirs and forests at the headwaters of navigable streams, and particularly with reference to the Mississippi River, I have the honor to report that no charges have ever been imposed by this department on the operators of power developments on navigable streams on account of any advantage which may accrue to them through the maintenance of reservoirs or forests.

2. There are extensive reservoirs at the headwaters of the Mississippi River, which were built for the purpose of benefiting navigation. Whether the operation of these reservoirs in the interest of navigation will produce any beneficial effect on the power development at Keokuk is a question which has not been investigated, but it is known that the effect of the operation of these reservoirs is not beneficial to power developments at Minneapolis.

3. The season of lowest water on the upper Mississippi, i. e., the time when water is most needed for the power developments, is during the winter, the season at which navigation is closed. During this season the outlets of the reservoirs are closed to the minimum for the purpose of storing water in the reservoirs in order that it may be released during the low stages of the navigation season. The result is that the natural low-water flow during the winter is still further reduced, thereby reducing the amount of power which can be developed from the water wheels. These reservoirs are the only ones in the United States which have been built in the interest of navigation.

4. The effect of forests on the flow of navigable streams has been very thoroughly investigated by the Engineer Department in connection with the improvement of navigable streams, and these investigations fail to show that forests have any beneficial effect upon the stream flow, particularly during low water. I presume that before a charge should be made to the operators of a power dam on a navigable stream for additional water due to forests established at its headwaters it would be necessary to prove that the forests had contributed a definite additional flow to the low-water volume. The effect of forests on the flow of any stream can only be told by a series of observations extending over a sufficient period of time to eliminate changes due to varying amounts of rainfall. Such a series of observations should be not less than 100 years in length, and preferably longer than this, for each condition—that is, in forested and denuded condition—in order to arrive at any results which would be of positive value.

Very respectfully,

DAN C. KINGMAN,  
Chief of Engineers United States Army.

That is all there is to this. We can not expect the engineers to hold for at least 300 years that reforested headwaters would be of any benefit to power dams located on streams, and before that time we are liable to amend this bill again.

I reserve the balance of my time.

Mr. STEVENS of Minnesota. Mr. Chairman, the proposition of the gentleman from Illinois [Mr. RAINEY] is a singular commentary on the progress of this bill. He moves to strike out one of the provisions inserted by the committee, because he does not think it will prove effective in raising revenue, and he objects to any method the committee proposes to raise revenue from the use of the property of the United States. When he previously brought the matter before the committee I addressed the committee briefly in the time of the gentleman from Georgia, and notified the committee that I did not take much stock in the original measure to acquire forest reservations at the headwaters of streams for the benefit of navigation, and I have not seen much reason yet to change my mind. But these reservations have been acquired for the benefit of navigation at an expenditure of \$8,000,000, and we thought it was our duty to get the utmost out of them for power purposes as well as for navigation.

I am familiar with the situation on the Mississippi River and especially as to the use of the navigation reservoirs at its headwaters. After about 17 years' experience and participating in two careful investigations of these reservoirs I find the situation is this: Those reservoirs were constructed, six of the largest in the world, to provide suitable water at the head of navigation at St. Paul, at the levee 18 inches of water, for about 100 days during the dry season of the summer, from about the 1st of July until about the 1st of October. That was the design of the reservoirs, and they have fulfilled their mission. They do send that amount of water down, and they have improved navigation. Now, the mills below those reservoirs necessarily use that water during the dry period of the summer, and it occurred to your committee that such water should equally benefit those mills, and they ought to pay for the use of that water which may benefit them during the summer. I know the mills will maintain that they receive no benefit from it. Of course they will, since they do not wish to pay for what heretofore they have received for nothing. But it seemed to me a matter of common sense that they do receive some benefit dur-

ing the dry season of the summer and not during the winter. We never have claimed that they do receive benefit during the winter, but during the summer they do, and they ought to pay for it.

And it is not a question to be determined by the Chief of Engineers or any departmental official. The question is a question of fact and law to be determined by the courts, and one thing which we have done in the framing of this amendment is to make it compulsory that these charges shall be fixed from time to time by the administrative officials, compelling the engineers to make a record of what these charges should be, and fixing the standard from the benefits received. There are numerous gauges along the river that determine exactly how much water comes down, how much water is let out of the reservoirs, and how the water proceeds down the stream, and it can be accurately determined by measurement. So that will be a question for the courts to determine, and not for the Chief of Engineers. It will be his duty to fix a charge and to enforce it in the courts. The letter of the gentleman from Illinois amounts to nothing but the opinion of the Chief of Engineers. Other officials of other departments and of high standing differ on that point and believe that that value does exist. Nothing will settle this matter but the decision of the courts as to whether or not this provision will be made effective, and such benefits can be paid for by those who receive them.

One thing more. The gentleman remembers, and I presume that he voted for, the so-called Weeks bill when it was before the House. The claim was made that the bill was designed to benefit navigation. The United States has spent \$3,000,000 in securing forest reserves in the Appalachian and White Mountain Ranges, and the basis of the contention is that these reservations do benefit navigation.

The Geological Survey and their engineers under the law are obliged to certify that they do benefit navigation. Undoubtedly that department differs from the opinions of the engineers. Now, if the waters from those reserves do benefit navigation, it seems extremely probable to me that they equally benefit water power. And the same question will be determined, not by the engineers, but by the courts, as to whether or not there is an actual benefit to these water powers.

I hold in my hand the July number of the Review of Reviews, in which there is an article by Philip W. Ayres, the forester of the State of New Hampshire, on this very subject, in which he shows at considerable length and force the benefits which will accrue to navigation and water power by means of these forest reserves. Of course he is a very ardent admirer of Mr. Pinchot and follows his doctrine. And he shows to his own satisfaction that this \$8,000,000 has been wisely spent. And I will just read this sentence:

With this new use water power increases greatly in value.

Now, Mr. Chairman, we ought to have a chance in order that this \$8,000,000 should realize some benefit to the Treasury, some benefit to the people, and that the \$2,000,000 expended upon the reservoirs should pay some benefits, and this amendment accomplishes that fact.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. UNDERWOOD. Does the gentleman from Illinois [Mr. RAINEY] desire to use the rest of his time?

Mr. RAINEY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. RAINEY. I shall not need it all.

Mr. STEVENS of Minnesota. Mr. Chairman, I will yield to the gentleman from Alabama [Mr. UNDERWOOD] the rest of my time.

Mr. UNDERWOOD. Does the gentleman from Illinois [Mr. RAINEY] expect to conclude in one speech?

Mr. RAINEY. I will conclude in one speech; yes, sir.

Mr. UNDERWOOD. Mr. Chairman, my view about this dam bill is that we want to put some restriction on it or we will not get capital to invest, and I do believe in doing the fair thing by the Government.

Now, the gentleman proposes to strike out the language that reads as follows:

For the payment to the United States of reasonable charges for the benefits which may accrue to such projects through the construction, operation, and maintenance, in and about such streams by the United States of headwater improvements of every kind, nature, and description, including storage reservoirs—

And so forth.

Now, I think the gentleman has the Mississippi River in his mind, and he is only talking about the Mississippi River, and he thinks there is no purpose in this proposition because he can not see much to be accomplished from the Government outside the Mississippi River. I am talking for the interests



of my State, so far as paying part of this charge is concerned. I want to tell you of a concrete case.

The Alabama River flows through low land. It is difficult to build dams and dikes on it. The Coosa River flows into the Alabama. At the headwaters of the Coosa River, in the State of Georgia, near my friend's district, there is a possibility of making great storage reservoirs. The plans of the United States engineers to-day, for the purpose of creating navigation on the Alabama River, have in them that proposition and they have gone so far as to perfect plans, although no work has been done on them as yet.

They propose to make these storage reservoirs in Georgia that will let loose the water in the dry season, to furnish sufficient water to give annual navigation in the Alabama; that is, when the water flows low. Well, now, the water out of those reservoirs will come down the Coosa before it reaches the Alabama. It will go right through Lock No. 12 on the Coosa River, which is already built, which is already controlled by a private corporation, which is already furnishing light to the city of Birmingham; and if that plan is carried out it will not increase the present primary power in that dam, but it will make a great deal of its secondary power primary power, because a dam, of course, in the rainy season, has a greater flow and more water, which is called secondary power. That can not be used for lighting purposes or street-car purposes, but could be used for manufacturing purposes.

We had built these dams in the State of Georgia not in any way connected with the dam on the Coosa River, and really the plan was agreed upon before this dam was built originally by the engineers. It will increase the primary power of that dam very greatly. The power of the dam now amounts to about 10,000 horsepower. It has a very large secondary power because of the flow of water in certain seasons of the year. I do not know exactly—it is merely a guess on my part—but the building of these storage dams for the improvement of the Alabama River would probably increase the primary horsepower at that time 10,000 horsepower.

Now, all that this section says is that if that is done at the Government expense, these dams, located between the reservoir at the head of the stream and that part of the stream which is going to be profited by it shall pay a reasonable charge to the United States Government. Now, I did not agree to the Sherley amendment, because I think it will keep capital out of those dams, but I want to do what is fair to the Government of the United States, and if they build a reservoir at the head stream and it increases the primary power of that dam and is of benefit to the owner, I am perfectly willing, and I think it is perfectly just, that the owner of that dam should pay to the United States Government a reasonable contribution therefor. I think that is all that there is in it.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. RAINEY rose.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] is recognized.

Mr. RAINEY. Mr. Chairman, it is amusing to me the strenuous manner in which these gentlemen, who were opposed to a compensation amendment that means nothing, insist upon this item in this bill, which has never meant anything and never will mean anything.

Now, there are storage reservoirs at the headwaters of only one river, and therefore I have discussed that matter in my correspondence with the Chief of Engineers, and he says that the reservoirs at the headwaters of the river are closed in the wintertime—that is the period of low water—and the water-power possibilities at a dam are regulated by how much power you can develop at low water. That is the only thing that counts, and the period of low water is in the wintertime, during the period when there are rains at the headwaters and when there are snows; during the season when they impound water they close these reservoirs. That is all there is to it. You can not get anything from reservoirs that will benefit dams downstream.

I have just read the holding of the Chief of Engineers to the effect that it will take 300 years to find out whether reforested headwaters will assist in the development of water power downstream. So what is the use of keeping this provision in here? This is a gold brick; it always has been and always will be. It is holding out to the people an evidence of strenuous efforts on the part of this Congress to collect something that never can possibly be collected.

We can not decide this question by reference to articles in the Review of Reviews nor by saying it should be referred to the courts. If it should ever get to the courts the opinion of our engineers would settle it there. They would testify that

power dams would not be benefited by headwater reservoirs nor by reforested headwaters, and that would be the end of it, even if the questions were ever submitted to a court.

Now, if they have already found that the headwater improvements on the Mississippi River do not benefit the water power at Minneapolis, by what mysterious sort of reasoning will they find that dams located above Minneapolis will be benefited and therefore ought to pay? The same water that goes over the dams above Minneapolis comes down over the dam at Minneapolis. How can you keep this clause in this bill on the theory that at some time in the future those dams may be benefited when the department holds otherwise?

Now, I want this stricken out, because it means nothing and because it obscures the issue of compensation for the Government. The committee stands strenuously for this, which means nothing, and that is the reason, I think, they stand for it. They are opposed to the Sherley amendment, which means something, and that is the reason they are opposed to it. The Sherley amendment, as the position of the committee seems to me to be, was unconstitutional for the reason that it will produce revenue, and this clause the committee holds to be constitutional because it produces no revenue and never will produce any. In the interest of conservation and in order that the compensation issue may not be obscured and in order to assist the Government in getting something that it ought to get, I am asking that this clause be stricken out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. RAINEY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 8, yeas 24.

So the amendment was rejected.

Mr. THOMSON of Illinois. Mr. Chairman, I move to amend this paragraph (b), which was the subject of the amendment of the gentleman from Illinois [Mr. RAINEY], by striking out the word "to," so that it would read:

Such charges shall be fixed from time to time by the Secretary of War and Chief of Engineers and be based upon a reasonable compensation equitably apportioned—

And so on.

Mr. ADAMSON. Why not strike out "and to be," and let it just say "based upon"? It will then read:

Such charges shall be fixed from time to time \* \* \* based upon—

That is the best reading. Strike out "and to be." That is the best possible reading.

Mr. THOMSON of Illinois. If you put a comma after "Engineers."

Mr. ADAMSON. I do not object to the comma.

Mr. THOMSON of Illinois. I am willing to change my amendment, to put a comma after the word "Engineers" and strike out the words "and to be."

Mr. ADAMSON. That makes it better.

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 5, line 10, place a comma after the word "Engineers" and strike out the words "and to be."

The amendment was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, I send to the desk three brief amendments, all relating to paragraph (d), on page 6.

Mr. BRYAN. I have an amendment to paragraph (b). Would the gentleman object to taking that up first and finishing with paragraph (b)?

Mr. THOMSON of Illinois. All of the section has been read. My amendment is in order.

The CHAIRMAN. The Clerk will report the first amendment proposed by the gentleman from Illinois [Mr. Thomson].

The Clerk read as follows:

Amend, page 6, line 22, by striking out the word "just" and inserting in lieu thereof the words "necessary to," and also by striking out the word "to," in the same line, after the word "substantially."

Mr. ADAMSON. The gentleman insists on splitting the infinitive. I wrote the words in that way to avoid splitting the infinitive.

Mr. THOMSON of Illinois. Mr. Chairman, I think that the splitting is being done by the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. I think not. "To restore" is in the infinitive, and I object to splitting it.

Mr. THOMSON of Illinois. Mr. Chairman, if the amendment I have suggested is adopted, the language will read this way, which seems to me to be much smoother:

(d) For the payment or securing the payment to the United States of such sums and in such manner as the Secretary of War and the Chief of Engineers may deem reasonable and necessary to substantially restore conditions upon such stream as to navigability as existing at the time of such approval.

Mr. ADAMSON. That plays havoc with the grammar. It splits the infinitive, and I object to it.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Illinois [Mr. THOMSON].

The Clerk read as follows:

Amend, page 6, line 23, by striking out the words "as existing" and insert in lieu thereof the words "which exist."

Mr. THOMSON of Illinois. So that the line will read:

Such stream as to navigability which exist at the time of such approval—

Mr. ADAMSON. I think it is much better to strike out the word "as" and to insert a comma.

Mr. THOMSON of Illinois. That is satisfactory to me.

Mr. ADAMSON. So that it will read:

Such stream as to navigability, existing at the time of such approval.

The CHAIRMAN. Is there objection to striking out the word "as," after the word "navigability," in line 23, and inserting a comma in lieu thereof?

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Illinois [Mr. THOMSON].

The Clerk read as follows:

Amend, page 6, line 25, by striking out the word "would" and inserting in lieu thereof the word "might."

Mr. THOMSON of Illinois. Mr. Chairman, it seems to me that with the word "would" in there it would mean that the Secretary of War and Chief of Engineers could not make the requirements specified in this paragraph unless in their judgment the dam that was going to be put in would actually, by reason of its construction, interfere with navigation. I think they ought to have the power to bring this clause into operation if in their judgment the construction of the dam might interfere with navigation.

Mr. ADAMSON. I am opposed to weakening the language. It is conditional anyhow, and if you are going to change it I prefer to go back to the old formula "might, could, would, or should." If you do not do that, it ought to stand as it is. It is a matter of opinion with the engineers as to whether the change, if made, will injure navigation.

Mr. THOMSON of Illinois. Yes; but unless he believes it would as a matter of fact injure navigation, unless he is certain enough about it to be able to say that it actually would interfere with navigation, he can not require the security for the payment. It would not weaken it to change it, but inserting the word "might" would strengthen it. The Chief of Engineers and the Secretary of War ought to have this power, not only when they believe that the construction of the dam would interfere with navigation, but whenever they think it might interfere with navigation. There may be a case where they could say that the construction of the dam in a certain place might injure navigation, where they do not know that it would, but they believe it might, and in such a case they should be able to exact compensation or insist that the Government be secured. In this case, with the word "would" in there, they practically could not exact compensation or security for compensation unless they were sure enough about it to say that it actually would, in their judgment, interfere with navigation.

Mr. MANN. Mr. Chairman, I will confess that when I read section (d) I could not understand what it meant, in the form of the language. It refers to a stipulation exacted by the Secretary of War to require the payment of money to restore conditions of navigation on the river, after the dam is constructed and in operation, to the conditions existing before the dam was constructed. It then says that whenever the Secretary of War shall determine that navigation would be injured by reason of the construction, they shall obtain payment or security for payment. It is then a question of fact. There is no difference between "might" and "would" as far as that is concerned. It is then a question of fact whether navigation is injured or not. It projects into the future a proposition to be determined on the facts as then existing, and uses language in the subjunctive mood, when it should refer to a question of actually existing facts. I would ask my friend from Illinois or my friend from Georgia if that is not the case?

Mr. THOMSON of Illinois. I do not wish to answer the gentleman if the gentleman from Georgia [Mr. ADAMSON] does.

Mr. ADAMSON. What is the question?

Mr. MANN. This refers to a condition which may exist after the dam is constructed and in operation.

Mr. ADAMSON. Undoubtedly.

Mr. MANN. Giving the Secretary of War authority to restore conditions if navigation is then injured by the dam.

Mr. ADAMSON. He does not determine it now, whether it will be or not.

Mr. MANN. No.

Mr. ADAMSON. But if after the thing happens navigation would be injured, as afterwards determined, he obtains security to meet it.

Mr. MANN. But when he determines it, he determines the question as to whether navigation is injured or not.

Mr. THOMSON of Illinois. This is a condition that is going originally to prevail before the dam is built; and, going back to the beginning of the section, it says that as a part of the conditions of such approval it shall provide for the payment or securing the payment to the United States of such sums and in such manner, and so on, as they may deem reasonable and necessary substantially to restore conditions upon such stream as to navigability existing at the time of such approval.

Whenever the Secretary of War and the Chief of Engineers shall determine at the time of the approval—

Mr. MANN. That navigation is injured.

Mr. THOMSON of Illinois. No; that this dam, that has not been built—

Mr. MANN. That has been built.

Mr. ADAMSON. If the gentleman will permit me, I will give him the exact grammar of the situation. A bond for payment is required at the time of the approval of the specifications.

Mr. MANN. A stipulation is required.

Mr. ADAMSON. And whenever the Secretary of War and the Chief of Engineers afterwards shall determine—and they determine after the dam is built—I think the word "would" is wrong, and it should be "shall have been."

Mr. MANN. No bond is required, but there is a stipulation.

Mr. ADAMSON. It says for the payment or securing the payment.

Mr. MANN. They may exact a bond, but the stipulation is that the grantee shall pay or secure the payment to the United States of such sum of money as the Secretary of War and the Chief of Engineers may deem reasonable to restore conditions upon such stream as to navigability after the dam is constructed, if the construction of the dam then injures navigation.

Mr. ADAMSON. The language should be "shall have" injured. When you are talking about the future the grammar of the situation is that in case of a future event, if the condition arises, you use the words "shall have been"—if navigation shall have been injured.

Mr. MANN. The future is indicated in the word "shall"—whenever the Secretary of War shall determine that something then exists. It is perfectly plain.

Mr. THOMSON of Illinois. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. THOMSON of Illinois. Mr. Chairman, the question in paragraph (d) is whether or not there shall be placed in the original approval a condition or stipulation for the payment of certain sums to the Government under given circumstances. This question is to arise at the time of the approval of the proposition in the first place. At that time no dam has been built, but the Secretary of War and the Chief of Engineers, in determining whether they shall put a clause in the approval to secure payment, must depend on whether their opinion is that the building of the dam is going to interfere with navigation.

Mr. MANN. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. MANN. Does not the gentleman think that the stipulation has to go into every approval?

Mr. THOMSON of Illinois. No; I do not.

Mr. MANN. The word "whenever" refers to a time after the dam is constructed and not whenever the stipulation goes in. The stipulation goes into every approval.

Mr. THOMSON of Illinois. I do not think so. I think that in some cases the Secretary of War and the Chief of Engineers may determine that the construction of these works, this dam and lock that are included in the plans, can not possibly interfere with navigation, in which case there would be no need of



the stipulation. Perhaps they might determine that it was going to be of great assistance to navigation, and in that case there would be no necessity of putting the stipulation in.

Mr. McKENZIE. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. McKENZIE. Is it not the purpose of this provision to serve notice on the grantee when he makes the application to construct a dam that if, after he has the dam constructed, navigation is found to have been interfered with by such construction, then, and in that case, he shall comply with what is laid down in this section?

Mr. THOMSON of Illinois. It does not read that way. If it were so intended, the word "would" is not the correct word.

Mr. ADAMSON. Is not the gentleman from Illinois willing to use the words "has been"?

Mr. BRYAN. Mr. Chairman, I offer a substitute.

Mr. THOMSON of Illinois. Is this a substitute for my amendment?

Mr. BRYAN. No; I will withhold it for the present.

Mr. ADAMSON. I suggest that the gentleman from Illinois agree to modify his amendment to the words "has been."

Mr. THOMSON of Illinois. I am willing to do that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment so as to use the words "has been." The question is on the modified amendment.

The question was taken, and the amendment was agreed to.

Mr. BRYAN. Mr. Chairman, I offer an amendment to paragraph (d) while we are on it.

The Clerk read as follows:

Strike out paragraph (d) and insert:

"(d) For the payment to the United States of such charge or charges as the Secretary of War and the Chief of Engineers may deem reasonable, and as may be sufficient to restore conditions upon such stream as to navigability as existing at the time of such approval whenever they shall determine that navigation has been or will be injured by reason of the construction, maintenance, and operation of such dam and its accessory and appurtenant works."

Mr. BRYAN. Mr. Chairman, I do not know how many people read the CONGRESSIONAL RECORD, but if anybody reads this debate, such person can come to only one conclusion, and that is that there are many irregularities in this bill. Gentlemen are having considerable discussion over a matter of tense, but that is not all involved in this particular paragraph. The paragraph (d) in the Adamson bill is as follows:

"(d) For the payment or securing the payment to the United States of such sums and in such manner as the Secretary of War and the Chief of Engineers may deem reasonable and just substantially to restore conditions upon such stream as to navigability as existing at the time of such approval, whenever the Secretary of War and the Chief of Engineers shall determine that navigation would be injured by reason of the construction, maintenance, and operation of such dam and its accessory works."

Now, what I propose here is for the payment to the United States of such charge or charges as the Secretary of War and the Chief of Engineers may deem reasonable, and as may be sufficient to restore conditions upon such stream as to navigability as existed at the time of such approval whenever they shall determine that navigation has been or will be injured by reason of the construction, maintenance, and operation of such dam and its accessories and appurtenant works.

There is nothing definite about this security arrangement. There is nothing following the term or securing the payment that can have any meaning or definiteness as to bond or anything of that kind, and if the engineers when they make the survey conclude that there has been or will be a benefit, then the charge comes, and if they do not, there is no charge. I think the substitute is definite and means something, and that the language in the other section will be subject to interpretation, all kinds of interpretation, and that there never will come anything satisfying from it.

Mr. ADAMSON. Mr. Chairman, I do not see any improvement in that, and I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

Mr. BRYAN. Mr. Chairman, I have another amendment, which I spoke of a few minutes ago, and which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out paragraph (b), pages 4 and 5, and insert the following:

"(b) For the payment to the United States of reasonable annual charges for the benefits which may accrue to such project from the construction, operation, and maintenance by the United States of headwater improvements on any such stream, including storage reservoirs and forest watersheds or lands acquired or held by the United States, such charges to be fixed from time to time by the Secretary of War and be based upon a reasonable compensation apportioned among the grantee and others similarly situated upon the same stream receiving direct benefits by reason of the development, improvement, or preservation of navigation in such streams in which such dam or appurtenant or accessory works may be constructed."

Mr. BRYAN. Mr. Chairman, the first proposition involved in this substitute is that instead of a provision for such reasonable charge, there is provision for such reasonable annual charges, which evidently the committee means, I should think, but it is essential to make it definite.

Mr. STEVENS of Minnesota. We make it from time to time.

Mr. BRYAN. Then, over on page 5, they refer to such lands as are—

owned, located, or reserved by the United States at the headwaters of any navigable stream.

The United States is continually acquiring lands for that purpose, and holding other lands for that purpose, and "owned, located, or reserved" I do not believe is as definite as the words "acquired and held." But that may be considered only a matter of construction.

Down further in the bill, in lines 12 and 13, this charge is to be based on benefits by reason of increase in the flow past "their water-power structures artificially caused by such headwater improvements." That may not be all of the benefits. The gentleman from Alabama believes that these benefits ought to be apportioned, but in assessing benefits they ought to be able to determine what the total benefits are and not just simply what benefits may accrue from the increase in the flow of water past the dam. But there is a further and important divergence. The original bill reads:

Not to exceed in any one year an amount equal to 5 per cent of the total investment cost—

That means what? Does that mean total investment cost of impounding headwaters or the lands reserved? Suppose we have a large lot of lands that have been obtained from the Indians. We do not know what the investment cost is. There is no reason for making any such restriction as that. The board in fixing it ought to be able to rely, and ought only to be required to rely, on benefits derived as in our laws for assessing benefits, where benefits are apportioned, and the suggestion that it be on the total investment is indefinite. Is it to be based on the land owned or the land acquired, or what is the meaning of it? There is nothing here about bonds, so that this security feature, it seems to me, is not worth anything.

Mr. ADAMSON. Mr. Chairman, I reckon that it is unnecessary to discuss grammar any further with the gentleman. It is supposed that that refers to the last thing mentioned, and I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, in subdivision (d) the bill provides practically for the maintenance of the condition of the river as to navigability as it was at the time when the dam was constructed; and if injury is done to the navigability of the stream after the dam has been constructed, the bill provides that the Secretary of War may assess a reasonable sum, such as is sufficient to restore the navigability of the stream to the condition it was before the dam was constructed.

Mr. ADAMSON. Mr. Chairman, what is the gentleman's amendment? I do not understand that he has offered any?

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. This question arose in my mind: Suppose the navigation of the stream at the time the dam was constructed was not very good and not very secure and not very profitable. Is there anything in the bill that gives the Government the right to make a better condition of navigation than there was at the time when the dam was constructed, or does improvement to navigation, by virtue of the construction of the dam, cease? I raise this question seriously, because I have not been able anywhere to find a reservation of power to improve the navigation of the stream and make it better than it was at the time when the dams were constructed.

Mr. ADAMSON. Section 2 provides fully for that, at the bottom of page 2:

To protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate in connection therewith, without expense to the United States, a lock or locks—

And so forth.

Mr. FOWLER. Yes; that is true; but the gentleman does not answer the question that I raised. I know in my own district on the Ohio River there are places where the navigation is not good. If a dam should be constructed across the river at that place, the bill provides for the maintenance of navigation up to the standard that it now is, but it does not provide for an additional improvement of navigation of the river.

Mr. ADAMSON. Why, the gentleman takes a single case where a lock and dam may not be necessary and where other conditions may be put on them. In cases where a lock and

dam is necessary or where there would be really some consideration demanded they will require them to put them in, and the language there is expressly put in that, it is to protect the present and future interests of the United States in the stream.

Mr. FOWLER. I know that is true, that a lock is likely to be put in there if they destroy or prevent navigation of a stream, but you still do not rise to the magnitude of answering my question.

Mr. ADAMSON. What is the gentleman's question?

Mr. FOWLER. My question is, Do you preserve by this bill anywhere the right of the Government to step in when a dam has been built and make the navigation of the river better than it was at the time when the dam was built?

Mr. FERRIS. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FERRIS. Does the gentleman think, in addition to the payment for the service to the Government and placing it back in its original state—does not the gentleman think that is onerous enough? I do not want this bill made so harsh it will not work.

Mr. FOWLER. But the gentleman does not make any progress by his question or by the answer.

Mr. FERRIS. Why not?

Mr. FOWLER. If it is a necessity to preserve the navigation of a stream, it is evident that the progress of time will demand a progress in the navigability of streams. Now, here is a provision in subsection (d) that only reaches a state of navigation or keeps up a state of navigation equal to that at the time when the dam was constructed, but maybe the navigation was poor at the time of constructing the dam and the Government might want to make it better.

Mr. ADAMSON. May I answer the gentleman further?

Mr. FOWLER. Yes.

Mr. ADAMSON. The gentleman must remember that in places where there is not fall enough to require a lock and dam nobody will find any inducement to put up a water-power plant. He has to have falls or there is no enticement to install a water-power plant at all, and the instance the gentleman mentions is an extreme one not likely to occur.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I ask for an extension of five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hear none.

Mr. ADAMSON. Now, this subparagraph, I understand, is intended to meet just such a case as that where there is not much inducement to put in a dam, because there is not any fall and a lock may not be necessary.

Mr. FOWLER. Yes; but it may become necessary thereafter to navigate the river more extensively than it was navigated in the past. Now, you provide by subsection (d) for keeping up the standard of navigation which existed at the time when the dam was built.

Mr. ADAMSON. I understand the gentleman; but it is a case where there is not much inducement for water power. There may be a very small dam which could be built, and a very small lock. Now, you can not—

Mr. HULINGS. Will the gentleman yield?

Mr. FOWLER. I can not yield to two gentlemen at one time.

Mr. ADAMSON. Now, you can not expect to have a heavy investment in a thing that has not much prospect of a profit, because the project would not be constructed if it did not offer a profit.

Mr. FOWLER. The gentleman absolutely tries to throw off—

Mr. ADAMSON. No; the gentleman is mistaken.

Mr. FOWLER (continuing). And refuses to meet—

Mr. ADAMSON. No.

Mr. FOWLER (continuing). The issue squarely, because I know that conditions will arise in the future, if we continue to transport by water, wherein the Government will want to improve navigation and make it better than it is now and better than when the dam or dams are constructed.

Mr. ADAMSON. The gentleman has no right, and I do not think he means, to say that I am trying to evade anything.

Mr. FOWLER. Well, I do not.

Mr. ADAMSON. I am trying to understand and answer the gentleman.

Mr. FOWLER. But I do mean to say—

Mr. ADAMSON. The Government does not waive any right to do anything which belongs to it in a stream.

Mr. FOWLER. I am trying to get it distinctly—

Mr. ADAMSON. What does the gentleman wish to know?

Mr. FOWLER. The provision with reference to keeping up the state of navigation equal to when the dam was built. Now, in the future suppose the Government should want to make navigation better than it was at the time when the dam was built. The owner of the dam might cite this act and say it was the intent of Congress to keep up navigation to the standard only as it existed at the time the dam was built. Now, I want to preserve the right to make the navigation better than it was at the time when the dam was built if the wants of the people demand it.

Mr. ADAMSON. Well, now, if I understand the gentleman, the Government does not have to preserve the right to do anything it chooses to improve the navigation of the river. It can not make the grantee stand the expenses of it unless they put it in the contract.

Mr. FOWLER. That may be true, but there is this point in section (d). It might be construed by the owner of the plant or dam that it was the intent of Congress only to keep up the standard of navigation that existed at the time when the dam was constructed, and that no intent was contemplated to raise it to a greater efficiency. But the progress of time may require deeper water or a wider current or some other valuable improvement, and we should conserve the right to the Government without hinder.

Mr. ADAMSON. I do not think so—

Mr. FOWLER. And the Government has no right to step in with this plan, if it would interfere, to increase the navigability of the stream?

Mr. ADAMSON. In conditions other than those I have described in my answer other sections would control the situation.

Mr. FOWLER. Well, I can not understand it.

Mr. COOPER. Mr. Chairman—

Mr. HULINGS. Mr. Chairman, I want to ask the gentleman if section 3 on page 4 does not answer the question that he has asked?

Mr. FOWLER. I did not think it did. I yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. I will say to the gentleman that the original consent of the Government, as I understand it, in that subdivision (d), is that he shall restore the navigation facilities to what they were when the consent was given.

Mr. FOWLER. That is exactly the point.

Mr. COOPER. On page 15 it is provided that Congress shall have the right to alter, amend, or repeal the act with relation to any dam whenever Congress determines that the conditions of consent have been violated. If you restore it, you shall leave the navigation as it was before.

The CHAIRMAN. All debate is exhausted on this question of moving to strike out the last word.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last two words. I would like to ask the gentleman from Georgia [Mr. ADAMSON] a question, in answer to the criticism of the gentleman from Illinois [Mr. FOWLER]. I want to ask the gentleman if section 2 as amended by the committee the other day does not cure his objection?

Mr. FOWLER. That was by the Shirley amendment?

Mr. HUMPHREYS of Mississippi. No. Section 2 was so amended the other day as to provide that whenever in the opinion of the Chief of Engineers and the Secretary of War it was desirable, the contractor or the lessee, without expense to the United States, might be required to put in a lock or locks, booms, sluices, or any other structure or structures.

Now, as originally written it read:

Which the Secretary of War and the Chief of Engineers or Congress then may deem necessary.

That has been amended so that it will read:

At any time it may be deemed necessary.

So that the bill as it now stands provides that whenever in a future Congress the Secretary of War or the Chief of Engineers conclude that the interests of navigation require that other locks and other dams and other facilities for navigation should be put in they can be put in without expense to the Government. It occurs to me that that answers the gentleman's criticism entirely. Section (d) simply means that if the structures they have put there, in the opinion of the Government, become a menace to navigation, they can be ordered to remove them and restore the conditions just as they were to start with. We can do that, or we can require them to put in additional locks or dams. I do not think the gentleman's objection or criticism is tenable.

Mr. Chairman, I withdraw my motion to strike out the last two words.

Mr. RAINEY. Mr. Chairman, I desire to offer an amendment.



The CHAIRMAN (Mr. FOSTER). The gentleman from Illinois offers an amendment which the Clerk will report.

Mr. ADAMSON. Mr. Chairman, have we not spent enough time now on this section to limit the debate?

The CHAIRMAN. The Chair is not informed as to that.

Mr. ADAMSON. I will ask if we can not limit debate now? How much time does the gentleman from Illinois want?

Mr. RAINEY. I want only five minutes.

Mr. ADAMSON. How much on the other side?

Mr. MANN. Say five minutes.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that debate on the section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 7, by inserting after line 2 the following:

"No dam erected under this act shall be used as a railroad bridge or wagon road bridge, and no piers shall be built in any river in connection with the construction of any such dam to be afterwards used for bridge purposes; and all bridge piers heretofore constructed in any river in connection with any water-power dam shall be removed within such reasonable time as the Secretary of War may fix for said purpose."

Mr. ADAMSON. I would like to ask the gentleman if that is to prevent the company itself from using the dam for its own purpose in connection with the bill?

Mr. RAINEY. No, sir; not at all. On the contrary, there is no such objection to this amendment. This is intended to meet a condition that may arise at the building of any dam. In building the dam at Keokuk they so constructed the dam as to permit it to be used as a wagon road or railroad bridge, and they have built in the fore bay two piers to support a movable bridge of some kind that crosses the fore bay. It is a menace to navigation. They stand there in 40 feet of water, imperiling all the boats that come down the stream. The committee has already had the matter under consideration. This does not keep that company or any other company from applying to Congress to build a bridge on their dam, but that company did it without any such permission.

I have here a series of letters, written by steamboat owners on the Mississippi River, complaining of those piers and calling attention to the dangers of them. The boats of one line struck those piers, as its officers say in a letter here to me, seven times during the last season. This does not prevent the company from building a bridge, of course, for its own use.

Mr. Chairman, I reserve the balance of my time.

Mr. MANN. A point of order, Mr. Chairman. The gentleman can not reserve time under the five-minute rule.

Mr. RAINEY. The gentleman is right about that, of course.

I read from a letter written by the Streckfus Steamboat Line, referring to those piers. This is the principal company navigating on the upper river, and navigates packets all the way to St. Paul:

ST. LOUIS, March 19, 1914.

GEORGE M. HOFFMAN,

Major, Corps of Engineers, Rock Island, Ill.

DEAR SIR: Yours of the 9th regarding bridge piers in the fore bay at Keokuk.

Reg to explain that we have already gone on record as objecting most seriously to the present location of those piers as dangerous, this position being sustained by the report of every pilot and master of our steamers, as well as by other boats using that lock, and we can see now no way by which we can conscientiously agree to the arrangement proposed by the power company as outlined in your letter.

As before stated, the plan agreed upon (or agreed to under protest), by Capt. John Streckfus in January of last year in Maj. Keller's office was one of expediency only, as Maj. Keller said then that that was all he could get Cooper to do, and "it looked like that or nothing."

Neither the spirit nor the letter of that agreement was carried out by Mr. Cooper, and Maj. Keller wrote us in August that he did not intend to ask Cooper to put in the booms, etc.

Now, our boats struck those piers seven times last season, which is proof of our contention that they are dangerous.

The water there is 40 feet deep, and an accident could cause a great loss of life as well as property, and we certainly feel that those piers (at least the first two west of the center span) should be removed and the span on both sides then be protected by booms.

We wish to impress the fact that only two boat owners were consulted by Maj. Keller when the so-called agreement was made after a large number of pilots, masters, and owners had insisted upon a 300-foot opening in a straight line only the day previous at a hearing in Maj. Keller's office, and one of these owners, Capt. Blair, operates two small boats in that district, either one of which can go through the 175-foot draw broadside without striking.

While two of our steamers are over 75-foot beam and three of them over 250 feet in length, one of them 235 feet, and for this reason especially we feel that our protest should carry weight at this time after we have proved by one season's operation the danger of the arrangement and the error of the claim on the part of Mr. Cooper and Maj. Keller that it was safe.

In addition to this, the power company absolutely disclaims any liability whatever for damages or delays resulting from any cause incident to the construction at Keokuk and has refused payment of claims filed with them by this company.

Under these circumstances we do not feel that in justice to ourselves and the interests of river navigation in that section that boat property should in this way be exposed to risk and lives of passengers endangered by allowing those piers to remain in the middle of the

navigable channel, pending the legalizing of them by congressional action.

Our understanding of the thing is that they are there contrary to law; and if this is so, we feel that boat property which must use that portion of the river should receive first consideration as to safety.

The Government booms referred to will unquestionably be urgently needed below the locks this season (as requested last year) to prevent other accidents similar to the one in which our steamer *Dubuque* tore a 20-foot hole in her hull by striking a drill boat after booms had been requested.

Those booms were never placed below the lock last season, but should by all means be put there now.

Should the old booms be used above the lock, new ones should be placed below.

In view of your having already recommended approval of the plan to leave the piers as they are, with certain booms added, we are to-day protesting to the Secretary of War and others at Washington against the adoption of the plan, and are urging the objections as stated in this letter.

We are sorry, indeed, to not be able to meet the power company's proposal in this instance, but we know the situation to be dangerous, and the proposed plan betters the present condition but little.

Our objections are not based upon theory at all, but upon the experience and reports of a dozen of the very best pilots in the profession, plus the repair bills for damages already sustained there by our boats.

Yours, very respectfully,

STRECKFUS STEAMBOAT LINE.

Mr. ADAMSON. Will the gentleman let me ask him another question?

Mr. RAINEY. With pleasure.

Mr. ADAMSON. The gentleman does not think that under the terms of this bill or any existing law such a bridge could be built on a dam without express authority of Congress, does he?

Mr. RAINEY. I do not think so, but my amendment limits the right of the Secretary of War to permit it to be done. He can not permit it except by the authority of Congress. If this is added here to the provisions which regulate the building of dams, then in the future the Secretary of War can not permit this to be done. It can not then be done without the permission of Congress. The Secretary of War has done it without the permission of Congress, but afterwards the company expects to come here and ask permission to complete their bridge, and this will probably occur in connection with any bridge that may be built.

Mr. BURNETT. Mr. Chairman, will the gentleman permit a question there?

Mr. RAINEY. Yes.

Mr. BURNETT. I did not catch from the reading exactly what the amendment provided. Is the gentleman sure that unless there is an expression in that amendment that it does not prevent the company from getting that permission, under the language the company would not be permitted to do that? Is it not so general, in other words, that it would prevent the company building a dam from even getting the permission? I suggest that possibly—

Mr. RAINEY. I do not so understand it. If my friend will call my attention to anything that will make it any clearer, I shall be glad to make it clearer.

Mr. BURNETT. I did not catch it distinctly.

Mr. RAINEY. I am trying to prevent the Secretary of War from authorizing this to be done unless the company first gets the consent of Congress. There is no dispute about the facts.

Mr. STEVENS of Minnesota. Mr. Chairman, the gentleman from Illinois says there is no dispute. I want to say that not one single statement that the gentleman made is correct. There is not one.

Mr. RAINEY. I got my view of the facts from the chairman of the committee. If I am mistaken, I must have misunderstood him.

Mr. ADAMSON. I have my views about allowing one company, one corporation, to put a bridge on top of a dam constructed by another corporation, but I do not see any use in putting an amendment in this bill to take care of it. In other words, I think we shall be able to take care of the trouble at Keokuk without the gentleman putting an amendment in this bill.

Mr. RAINEY. And the committee will try to do hereafter what I am trying to do now, to prevent the company from doing this very thing?

Mr. ADAMSON. I am trying, so far as I am concerned, to take care of the situation, and I am not going to vote for another corporation to put a bridge on top of that dam.

Mr. RAINEY. Nor am I going to vote for another corporation to be allowed to put a bridge on top of that dam. It ought not to be permitted to do it without the permission of Congress. That is the only thing I want to reach.

Mr. ADAMSON. The matter is before our committee, and we are at work on it as well as we know how, and we will work it out all right. If the gentleman will only restrain his impetuosity I think we shall work it out all right.

Mr. RAINEY. The gentleman should restrain the impetuosity of the War Department in this regard.

Mr. ADAMSON. I think they will work it out.  
 Mr. RAINEY. They do not seem to be able to.  
 Mr. ADAMSON. The gentleman says he is familiar with my attitude. I just wanted to say what my attitude was.  
 Mr. BURNETT. Mr. Chairman, I would like to have a reading of the amendment.

The CHAIRMAN. Without objection, the amendment will again be reported.

The Clerk read as follows:

Amend, on page 7, by inserting after line 2 the following: "No dam erected under this act shall be used as a railroad bridge or a wagon-road bridge, and no piers shall be built in any river in connection with the construction of any such dam to be afterwards used for bridge purposes; and all bridge piers heretofore constructed in any river in connection with any water-power dam shall be removed within such reasonable time as the Secretary of War may fix for said purpose."

Mr. RAINEY. After the words providing for the bridge I ask unanimous consent to amend it by inserting the words "unless the consent of Congress shall be had therefor."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. STEVENS of Minnesota. Mr. Chairman, does the gentleman from Georgia [Mr. ADAMSON] control the time?

Mr. ADAMSON. I understand the gentleman from Minnesota has five minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, a moment ago I made the statement that the gentleman from Illinois [Mr. RAINEY] was in error about the facts. Our subcommittee went to Keokuk last winter. I found that I sympathized with the position of the gentleman from Illinois. The district which I have the honor to represent is vitally interested in the navigation of the Mississippi River, and some of our people have complained about the very thing which was described by the gentleman from Illinois. So I went there determined to find out exactly what the facts are and to do the best I could to promote and protect navigation. While we were there we met the representatives of all the steamboat lines and talked over with them what ought to be done. They told us that if the pier should be protected by booms they would be satisfied. They told us so at that time there.

Now, the pier has never been used as a public bridge or for a public bridge. It has always been used as a part of the plant for the construction of the dam. In order to get its men and its material back and forth from the Iowa shore to the dam under construction a pier was placed in the fore bay, and a temporary bridge was constructed from the Iowa shore to the main part of the dam and the power house, and upon that pier a temporary bridge was constructed. I understand that temporary bridge has been torn down. It never has been used as a highway bridge for the public, and it never has been used as a railway bridge or for any such purpose except work trains, and it has never been used by the public or anybody else or for anything else except for the construction of the dam.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. RAINEY. I will ask the gentleman if it is not true that the piers are still there, and that before the gentleman's committee there is pending a bill asking permission to use them?

Mr. STEVENS of Minnesota. Yes. The gentleman is correct. What is known as the Interstate Bridge Co., whatever it may be, composed of the citizens of Keokuk, did ask us to authorize that dam to be used as a bridge. The bill has been pending before our committee and has not been acted upon. There is a bridge below which it is contended satisfies the demands of the situation, so the bill has not been acted upon. What the future may bring forth no one can foretell, but I can assure this committee that nothing will be permitted which will obstruct navigation. That will be our primary purpose.

The gentleman made the statement the other day that the Government was forced to protect the pier by booms at its own expense. I think that was incorrect. Representatives of the bridge company told us they would do it for themselves. So I requested the other day the Chief of Engineers to forward to me a statement as to the situation, and I will read it. He forwarded the following:

WAR DEPARTMENT,  
 OFFICE OF THE CHIEF OF ENGINEERS,  
 Washington, July 27, 1914.

Hon. F. C. STEVENS,  
 United States House of Representatives.

SIR: In response to your oral request, I have the honor to inclose herewith a copy of a telegram just received from Maj. Hoffman, the district engineer officer at Rock Island, Ill., relative to installation of booms in fore bay of lock at Keokuk, Iowa.

Very respectfully,

DAN C. KINGMAN,  
 Chief of Engineers, United States Army.

Then I will read this telegram:

ROCK ISLAND, ILL., July 25, 1914.  
 CHIEF OF ENGINEERS, UNITED STATES ARMY,  
 Washington, D. C.:

Booms have been installed in fore bay Keokuk power plant as per my indorsement department letter of March 2, 1900, and map therewith, apparently perfectly satisfactory to steamboat line: no complaints received. Booms are old ones, belonging to Government; were borrowed, repaired at considerable cost, and installed by power company without any expense to United States.

HOFFMAN, Engineer.

I judge from this that the fact is that part of the old booms that belonged to the United States were installed and were taken over and fixed up by the power company, so that the gentleman from Illinois is correct to that extent; and to that I wish to change my statement that the old Government boom was installed by saying that it was fixed up at the expense of the power company, and has since been installed at the expense of the power company, and is now there at their expense.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly; I yield.

Mr. MANN. I understood my colleague to state the other day—and I am quite sure that he did—that this installing of booms was to be done at the expense of the United States.

Mr. STEVENS of Minnesota. Yes; he made that statement, and I am here showing what the exact facts are by the official report, and that is what the House wants to know.

Mr. RAINEY. I suppose that the main cost is the cost of booming. Merely tying to the piers does not amount to anything. The gentleman says he does not know of any complaints. I have a number of letters complaining as to the width of the span and saying that it ought to be 300 feet.

Mr. STEVENS of Minnesota. I have had no complaints, and evidently the engineers have not had any.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. RAINEY].

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 5, noes 14.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 5. That the operation of navigation facilities which shall be constructed as a part of or in connection with any such dam, whether at the expense of such grantee or of the United States, shall at all times be subject to such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by any such dam, as shall be made by the Secretary of War and Chief of Engineers, and in the use and operation of such navigation facilities the interests of navigation shall be paramount to the uses of such dam by such grantee for power purposes. Such rules and regulations may include the maintenance and operation by such grantee, at its own expense, of such lights and other signals as may be directed by the Secretary of War and Chief of Engineers and such fishways as shall be prescribed by the Secretary of Commerce, and for failure to comply with any such rule or regulation such grantee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$500 for each month's default, in addition to other penalties herein prescribed or provided by law.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. ADAMSON. Mr. Chairman, I should like to see if we can agree on time for debate on this question.

Mr. ANDERSON. I think we had better have the amendment read first.

Mr. ADAMSON. There are several amendments to be offered. I do not want to count the time used in reading the amendments.

Mr. FERRIS. May I inquire what the gentleman's amendment is?

Mr. ANDERSON. Let it be read.

Mr. ADAMSON. I ask unanimous consent that debate on this paragraph and amendments thereto conclude in 20 minutes.

Mr. FERRIS. I hope the gentleman will withdraw that request until this amendment is read.

Mr. ADAMSON. I withdraw the request at the suggestion of the gentleman from Oklahoma.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The Clerk read as follows:

Amend, section 5, by inserting after the word "that," in line 3, on page 7, the following: "the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this act, a suitable lock or locks, booms, sluices, or any other structures for navigation purposes and."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. ADAMSON. What is the necessity for this amendment? We already have it in the law.

Mr. ANDERSON. I should be glad to have the gentleman point out where it is in the law.

Mr. MANN. It is in the existing law, but not in this bill.



Mr. ANDERSON. It is in the existing law, but not in this bill.

Mr. ADAMSON. I had an idea that it was in the bill.

Mr. ANDERSON. No; if the gentleman will remember, the other day we adopted an amendment which reserved to the Government the right to require the grantee to construct locks, booms, sluices, and so forth, at its expense, but we did not reserve to the Government itself the right to construct a lock, boom, sluice, or anything of that kind in connection with the dam of the grantee, and the only purpose of this amendment is to restore the existing law, reserving to the Government the right itself to construct a lock at its own expense in connection with the dam of the grantee. It is conceivable that conditions might arise under which it would not be proper or fair to require the grantee to build a lock, sluice, or boom at its expense, and the purpose of this amendment is to permit the Government to build it under such conditions.

Mr. ADAMSON. If the gentleman will look on page 3—

Mr. STEVENS of Minnesota. Pages 2 and 3.

Mr. ADAMSON. I think he will find it all adequately expressed. We prescribe that the Government may require it done by the grantee, because, beginning at line 7, page 3, we provide that—

Whenever Congress shall deem such facilities necessary, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches.

Mr. ANDERSON. But that merely has reference to the banks, and the title to the land for such purposes.

Mr. ADAMSON. I understand that.

Mr. ANDERSON. It does not reserve to the Government the right to construct the dam.

Mr. ADAMSON. You do not need authority for the Government to construct a dam whenever it wants to.

Mr. ANDERSON. That is so; but where you have granted to the grantee the right to build a dam the Government can not go in afterwards and build a lock itself in connection with such a dam unless it reserves the right to do so.

Mr. ADAMSON. Let the amendment be reported again.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment of Mr. ANDERSON was again read.

Mr. ADAMSON. I do not think it is necessary at all, but I see no objection to it.

Mr. MANN. Will the gentleman yield to me?

Mr. ADAMSON. Certainly.

Mr. MANN. In section 2 there is a provision in regard to the construction of locks, booms, sluices, or any other structure or structures, and so forth. Then following that is a provision that the persons owning such dams shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches. Now, if the Government acquires the title to the land for the construction of a lock, why do we have to ask permission of the grantee that we may construct the lock?

Mr. STEVENS of Minnesota. Let me ask one further question. In section 2 it is provided—

That as a part of such approval such conditions and stipulations may be imposed as the Secretary of War and the Chief of Engineers may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate in connection therewith, without expense to the United States, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress then may deem necessary in the interests of navigation.

Now, that, attached to the statement that the gentleman has just read, gives all the authority that is necessary, does it not?

Mr. MANN. We thought it did when we drew the original act.

Mr. ANDERSON. But you put the reservation in the original act.

Mr. MANN. It is put in here, but in a different place; that is all.

Mr. STEVENS of Minnesota. It ought to be there.

Mr. MANN. If we give the right to the grantee to build a dam and say that if we construct a lock the grantee shall furnish us with the title to the land that we think necessary for the construction of the lock, and we get the title to the land, why do we have to ask the grantee for license to build the lock?

Mr. ANDERSON. We might have to tear up half of his dam.

Mr. MANN. That is left to the Secretary of War. If we get the title to the land, it does not require the consent of anybody else.

Mr. ANDERSON. It seems to me that it does require the consent of the grantee. If you are going to destroy his property, you have to reserve the right to do it, and if you intend to change his property you must reserve that right. That is all my amendment does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. DILLON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 19, after the word "shall," strike out the following: be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than "and insert the following: "pay damages for the breach thereof, and in addition thereto a penalty of."

Mr. ADAMSON. That is a bad mixture of criminal and civil law, and I am against it.

Mr. DILLON. If this amendment is adopted, it will eliminate from the section the criminal penalty and fix in lieu thereof a penalty for the violation of the contract. If I understand the purport of this bill, it makes a grant on certain conditions of certain privileges. It is a grant of a franchise, and a franchise is a contract. I see no necessity of trying to make a criminal act when the elements of a crime do not exist.

I would like for the gentleman from Georgia [Mr. ADAMSON] to point out where there is any act of criminality in this bill. It does not say that it must be intentionally done; it does not say that it must be maliciously done; it does not say that it must be a malicious destruction of property. There is not a single criminal act specified, and yet it says that a man is guilty of a criminal offense simply because he is unable to carry into effect a contract. It might just as well be said that a man who executes a promissory note is guilty of a misdemeanor when he fails to pay it. The mixture of criminal and civil law is in the bill, and there is no necessity of trying to make an act a crime when it is not a crime. Congress, or any legislative body, has not the right to say that an act is criminal when it is not an offense against the public.

Again, the Government has reserved its right in various ways. It has the right of mandamus, the right of injunction; it can go into court and exercise the right at any time it may choose to do so by these remedies. I want to say to the gentleman that, in my judgment, he can not convict anybody simply because he is unable to comply with his contract.

Mr. MANN. Will the gentleman yield?

Mr. DILLON. In a moment. For instance, suppose a party became insolvent, would you say he was a criminal because he could not comply with his contract? These are contractual relations, and it is not a criminal act.

Mr. ADAMSON. Upon what language does the gentleman base his opinion or construction making this a contract?

Mr. MANN. It refers to the lights, other signals, and fishways, and so forth.

Mr. DILLON. These are elements in the specifications and plans.

Mr. MANN. The gentleman is entirely mistaken as to its being a contract.

Mr. DILLON. This simply specifies the plans that may be promulgated and become a part of the contract.

Mr. MANN. Will the gentleman yield?

Mr. DILLON. Yes.

Mr. MANN. Suppose this was enacted into law to-day without this provision in it—does the gentleman doubt our authority to put it in a separate act to-morrow, requiring them to furnish lights, fishways, and so forth, under penalty for violation?

Mr. DILLON. You should go further than you do in this connection and put some act of criminality into it, because this is contractual; it does not belong to the Criminal Code.

Mr. ADAMSON. This section does not mention a contract at all.

Mr. DILLON. This is a contract. A grant is a contract.

Mr. ADAMSON. This section is an independent proposition that requires rules and regulations to be made by the War Department and makes it a crime if they are violated by the owner of the dam. There is no contract about it or in it.

Mr. DILLON. If the gentleman will allow me to make a further suggestion, this is a grant on the part of the Government. Now, the grantee is unknown. It is a float, so to speak; but when the grantee is found and comes up and says, "I will comply with these conditions," then he becomes the grantee.

Mr. ADAMSON. He does not have to say so under this section.

Mr. DILLON. Then you have the grantor and the grantee, and you have a contract without any element of criminality in it.

Mr. ADAMSON. We make laws to cover unborn generations. They do not agree to comply with them; but if they do not, they are punished.

Mr. DILLON. This is a contractual relation, but it is not a contractual relation until the other party is found who will take up the grantee part of it.

Mr. ADAMSON. This does not depend on contractual relations; it says that when they do not such things as the Secretary of War shall require they shall be convicted.

Mr. DILLON. The Supreme Court of the United States decided in the Dartmouth College case many years ago that a franchise or grant of privilege is a contract.

Mr. MANN. Mr. Chairman, my friend from South Dakota is entirely mistaken.

Mr. COOPER. The "grantee" is in the bill.

Mr. MANN. There is no grantee in this bill.

Mr. DILLON. There will be. Let me ask the gentleman when the party who accepts these conditions comes in, then have you not your grantee?

Mr. MANN. Why, certainly. This is not a contract. This is a provision authorizing the provisions under which a contract may be entered into hereafter. First, it may be an act of Congress giving authority to construct a dam, or the authority may be obtained from the Secretary of War without an act of Congress in certain cases, and this fixes the terms of the contract when it is entered into; but this section has nothing to do with the contract. This section is a regulation of commerce, and on all or any of the navigable streams wherever an obstruction has been or is hereafter placed we have the right to require lights and signals. We have the right to require fishways. We do not get that under a contractual relation at all. We get that under the power to regulate commerce.

While I was helping to bring such bills out of the Committee on Interstate and Foreign Commerce, we passed a provision requiring everybody who now or heretofore had a bridge or other obstruction over or in navigable waters to furnish such lights as should be authorized by the Lighthouse Bureau and under penalty of the law. If we should pass this law to-day, and grant a permit to some one to-morrow, and he should build a dam the next day, then the next day after that we could pass this criminal provision of the law as a new law requiring lights. We want a criminal provision of the law to make people put lights and signals up. Suppose there is a great dam or a great bridge and a steamboat runs into it for lack of a light. It is very little satisfaction to say that you can sue the company. You want to be able to convict for a criminal offense.

Mr. COOPER. Mr. Chairman, when I said the word "grantee" was used in the bill, I was looking straight at the bill, and I find the word "grantee" in line 14 and also in line 19.

Mr. MANN. I did not doubt that the word "grantee" was in the bill. I knew that it was.

Mr. COOPER. If the gentleman did not doubt it, he has a queer way of expressing his acquiescence in my views. [Laughter.]

Mr. MANN. I did not say the word "grantee" was not in the bill.

Mr. COOPER. Because he absolutely contradicted me. He said the word "grantee" was not in the bill.

Mr. MANN. Oh, I made no such statement.

Mr. COOPER. Then I can simply shake my hand and look up and say, "I appeal to the Record."

Mr. MANN. Well, appeal to the RECORD. I shall not change it.

Mr. COOPER. Of course, the gentleman did not mean to say it, but he said it.

Mr. HUMPHREYS of Mississippi. He said it all right.

Mr. COOPER. I have the statement of the gentleman from Mississippi, and with him I am a clear majority on this proposition. [Laughter.]

Mr. Chairman, this provides that the grantee shall be guilty of a misdemeanor. I have not studied this very closely, but could not the grantee in this case be a corporation, I will ask the gentleman from Georgia?

Mr. ADAMSON. I do not think there is any doubt about that. It could be fined.

Mr. COOPER. But the gentleman from Illinois said it would not amount to very much to collect the money, but that "we propose to imprison." How are you going to imprison a corporation?

Mr. ADAMSON. If the gentleman from Wisconsin will permit, I suggest also that the remedy suggested by the gentleman from South Dakota [Mr. DILLON] exists anyway by law. If anybody is damaged by violation of this law, a suit can be brought.

Mr. COOPER. Yes; but I did not understand the force of the argument of the gentleman from Illinois [Mr. MANN] that the mere collection of money would not amount to anything where a steamboat, because of the absence of a light, collided with an

obstruction in a river. He said we wanted something more than the collection of money.

Mr. ADAMSON. I understood him to mean a suit for damages would not be a sufficient satisfaction.

Mr. MANN. Mr. Chairman, I did not say anything about "imprisonment." I do not change my remarks as they are made to the reporter. I did not say the word "grantee" was not in this bill, and I do not change my remarks, notwithstanding my friend from Wisconsin [Mr. COOPER] and my friend from Mississippi [Mr. HUMPHREYS]. I said there was no grantee in this bill. I repeat it for the benefit of the two gentlemen. If they can find a grantee in this bill, I will take it back.

Mr. COOPER. Mr. Chairman, what I said was that this was the language of the bill. I did not say there was not any grantee. I said that was the language of the bill. The gentleman disputed that statement.

Mr. ADAMSON. Let us have peace.

Mr. DILLON. Mr. Chairman, I would like to ask the gentleman from Illinois a question. He says there is no grantee in this bill. Will there not be a grantee when one is found to comply with the conditions?

Mr. MANN. There will be a grantee, undoubtedly, regulated by the provisions of the bill. There can be no dispute about that.

Mr. DILLON. He becomes a grantee when he complies with the conditions of the bill.

Mr. MANN. Undoubtedly he becomes a grantee.

Mr. DILLON. Does the gentleman think a man should be declared to be a criminal when he is without notice of what the Secretary of War may promulgate in reference to rules and regulations?

Mr. MANN. I do not think he could be without any notice.

Mr. DILLON. But you are making him a criminal without giving him notice.

Mr. MANN. Oh, no; not at all. He will not have any notice of this bill, except the theoretical notice of the law, but it is his business to know what signals are required to protect navigation from the obstructions that he puts in the river, and if he does not learn them he takes his chance of punishment for it.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word of the amendment.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments end in five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on this section and amendments thereto close in five minutes. Is there objection?

Mr. ANDERSON. Reserving the right to object—

Mr. THOMSON of Illinois. Reserving the right to object—

Mr. ADAMSON. We have had over half an hour of debate on this section.

Mr. THOMSON of Illinois. I have not had half a minute.

Mr. ANDERSON. Mr. Chairman, I simply want to direct the attention of the chairman of the committee to a situation which seems to me to exist in both this section and the following section.

Mr. MANN. Had we not better dispose of this amendment? Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is the gentleman from Minnesota.

Mr. MANN. No; there is an amendment pending.

The CHAIRMAN. The gentleman from Minnesota moved to strike out the last word of the amendment, and that gave him the floor for five minutes.

Mr. MANN. I think we ought to dispose of the amendments one at a time as we get to them.

Mr. ANDERSON. If the gentleman wants to dispose of the amendment, I am perfectly willing to withdraw my motion; but I do not want to be cut off.

Mr. MANN. That will not cut the gentleman off.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word.

Mr. ADAMSON. Mr. Chairman, can we get an agreement on this section and amendments?

Mr. ANDERSON. I shall want but a few minutes. I merely want to call the attention of the committee to a situation which exists in both this section and section 7.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto end in 25 minutes.



The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on this section and all amendments thereto close in 25 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, my purpose in rising is to call the attention of the chairman and other members of the committee to a situation which arises both under this section and section 7. In the subsequent section the committee has changed the language of the existing law which provides that "any person who shall fail to comply with the lawful order of the Secretary of War" to "any grantee who shall fail or refuse to comply." Now, both section 5 and section 7 are penal sections, and they only apply to the persons who are specifically designated in them. What I want to direct the attention of the committee to is this: Under either of those sections would it be possible to convict an assignee of a grantee under this act? He is not mentioned, the bill does not apply to him. The section is penal, and it would only apply to persons specifically denominated by the section itself; and it seems to me that the word "grantee" in both of these sections to conform with the general policy of the law ought to be changed to "person." The bill itself defines persons so that it applies to both singular and plural and includes incorporations, companies, and associations.

Mr. ADAMSON. Has the gentleman noticed the language at the top of page 10, which reads—

whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original owner hereunder.

Mr. ANDERSON. Well, that may be applicable, so far as contractual relations are concerned.

Mr. ADAMSON. It says "the provisions of this bill."

Mr. ANDERSON. I want to know whether it is applicable to the penal provisions of the act. I confess I am somewhat in doubt about the proposition, myself, and I merely wanted to direct the attention of the committee to it.

Mr. RAINEY. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "purposes," in line 13, of page 7, strike out the period, insert a comma, and add: "the storage of water back of any such dam shall not be permitted to be accomplished in such a way as to interfere with the natural flow of the waters of the stream in which such dam is located, but at all hours of the day and night there shall be permitted to pass through or over such dam the ordinary natural flow of said stream: *Provided*, That the interests of navigation require the entire ordinary flow of said stream in the day and in the night."

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. The agreement included 10 minutes to the gentleman.

Mr. RAINEY. I thank the gentleman.

Mr. Chairman, this amendment, if adopted, does not interfere with the storage of water in rivers where storage may be accomplished without interfering with navigation. This amendment is offered to reach a condition in the Mississippi River and perhaps in other rivers. At Keokuk the company there has been permitted by an order of the War Department to store water at night and to materially stop the flow of the Mississippi River. They did it last year and they are doing it this year, in order to enable the company to have more water to use in the daytime. This is desirable, of course, considered from the standpoint of generating as much power as the river will produce, but it has at that point a disastrous effect upon navigation. I want to read what some officers of steamboats and some steamboat companies navigating this river have to say about this storage of water. Frequently vessels navigating below the dam have great difficulty in reaching the dam, especially in the nighttime. I read from the *Waterways Journal*, referring to an article in the Keokuk Gate City. The *Waterways Journal* says:

If the Keokuk Gate City had had a representative with us to go to bed on the steamer *Keokuk* on the morning of September 12, 1913, at 3 a. m., he would have found the boat afloat. On arising at 6 a. m. the boat was hard aground, as was the Streckfuss Line steamer *Dubuque*. That morning we saw launches out on the river at 3 a. m., and at 6.30 a. m. they were high and dry. The writer, manager of the *Waterways Journal*, will make this affidavit. We will also swear that the stage of water at Alton, Ill., is also affected by the storage of water by the power company at night.

Again, I want to read from a letter written by the traffic manager of the Streckfuss Steamboat Line to me, of recent date:

The increase and reduction of the flow having caused unusual raising and lowering of the water level, which at the same time affected the

current in the river in such way as to give an unusual speed to the flow during some hours of the day and to produce practically a slack-water channel during other hours.

Our boats have frequently been delayed by reason of this variation in the channel, some of them having been left aground at their landings through sudden fall in the water level.

In one instance it was necessary to hold one of our big St. Paul steamers five hours at the lock until enough water could be allowed to pass the dam as to raise the channel below the dam some 18 inches.

The principal actual delays were brought about by the shoal conditions at certain times of the day, when the minimum quantity of water was allowed to pass through the dam.

As to complaints regarding the method of operating the dam, would explain that these complaints have borne upon the channel conditions produced by the operation of the dam, but not upon anything pertaining to the dam itself.

We discontinued our St. Paul service about two weeks earlier than anticipated this season, due to the uncertainty of getting through the Keokuk district without injury or delay to steamers, and because of these delays having come about with considerable frequency during the month of August, we deemed it unwise to attempt to handle any material freight business, as the increase draft of vessels so laden seem to assure further delays and possibly injury in the Keokuk vicinity.

We know of no additional boats under construction or contemplation for use on the upper river through any affect the completion of the dam may have had upon navigation.

The dam has benefited navigation for a distance of only about 40 miles. Above this it has had absolutely no effect upon the channel.

This company operates five boats in the district between St. Louis and St. Paul, and we have not been able this season to find any indication of benefit by reason of increase to our business in which the Keokuk Dam or power plant could have possibly contributed anything by way of betterment.

The completion of the dam will have no effect upon navigation on the river as regards either the volume or the rates for the reason, as we already stated, it has so far influenced the river above by way of betterment for a distance of 40 miles, and during the past season it has unquestionably proved a serious interference with navigation for approximately a like distance below Keokuk.

The fact of difficulty or interference with navigation at any point between St. Louis and St. Paul interferes with the traffic over the entire area, for the reason that in this section of the country business originates below Keokuk and is destined for points above Keokuk, or vice versa, and if a steamer has difficulty in getting through the channel to Keokuk, the result is the same as though the river were in that condition for its entire length.

Your letter does not touch upon the other difficulty at Keokuk, which gives indication of being one of the most unfavorable and undesirable conditions bearing upon navigation at Keokuk.

By this we refer to the bridge piers which have been placed across the channel in the fore bay, between the power house and the Iowa shore at Keokuk.

These piers are most unfortunately arranged and have been in position all this season, practically without protection work, and have seriously endangered steamers a number of times this season through their unfortunate location, mainly and partly through the absence of protection work.

Our steamers have struck these piers seven times, and in each instance narrowly escaped a most serious accident.

We seem this season to have been unable to make these conditions clear to the proper authorities or to the power company.

This, notwithstanding the fact that we strenuously objected to the arrangement before navigation opened and subsequent experience during the season, seems to have borne out our contentions perfectly.

I read again from a letter written by A. V. Fetter, who operates a boat on the Mississippi River, as follows:

In our opinion navigation of the river has not been improved. We do not know of any vessels having to wait for a rise of water before being able to make the locks. Navigation above the dam has been improved, but below the dam it is more difficult because of the various stages of water each day.

I read from a letter of recent date written by Bert Edwards, a river pilot:

I think that holding the water back at night this summer caused the river between St. Louis and Keokuk to be in bad shape, because the rising and falling caused the channel to fill up; a fall of any length causes the channel to cut out, but as soon as a rise comes the channel stops cutting and fills up.

Always before in low water the channel was very close, but good except in a few wide places. This summer there was no good channel below Keokuk except in a few places where the water has always been deep.

There is no question in my mind but what the addition of more turbines and the holding back of more water will not only interfere with but stop all navigation of boats of any size between Keokuk and St. Louis when there is less than 2 feet on the gauges.

I think that the holding back of the water affected the channel down to the mouth of the Illinois River. I am going by my experience in former seasons, when the river was as low and lower than this season. I mean the reading of bridge gauges, not by condition of channel, as the channel was very bad this summer with the gauges showing more water.

I can not say that I noticed any sudden change in the stage of water. But our time always got us through the lock before dark, and the first night out of St. Louis we were too far below to have the sudden change affect the channel, as I am told it did above.

The difficulties of navigation this summer were caused by the channel being very bad; or, in other words, it did not cut out when the water fell as in former seasons.

The bridge piers above the lock should be placed so that the dam span would be in line with the lock.

As the bridge piers are now, also the opening in the ice breaker, makes it very bad with a big boat or a tow. You have to come in headed for the power house and then turn to the right to get into the lock, and if the wind is blowing off the Iowa shore it is almost impossible to keep from striking the power-house wall. The only protection I have seen on the bridge piers this summer was put there to protect the piers, not the steamboats, as they offered no protection to boats.

Yours, respectfully,

BERT EDWARDS,  
Pilot Steamer "St. Paul."



I read an extract from a letter of the Interstate Material Co.—a letter written by Capt. Dipple, of that company—a company which operates boats on the Mississippi River:

Boats had no difficulty in navigating before this improvement was brought about by the dam, but they will not be able to navigate below the dam if the water is held back at night during low-water period. We appreciate your effort in protecting the river and will be glad to furnish you any information that may help you.

Again, I read from a letter of Harry F. Lancaster, pilot of the steamer *Dubuque*, written to me:

ST. LOUIS, October 10, 1913.

GENTLEMEN: The question has been brought before me as to the effect the power dam at Keokuk, Iowa, has on the river below Keokuk.

I can say that the water at Keokuk, Iowa, has a fall of 18 or 20 inches during the time the power company holds the water back at night. I know this to be a fact, as I have seen it; and was pilot on the steamer *Dubuque* this season for five months; and this steamer made three landings a week at Keokuk; and in the morning the steamer *Dubuque* had to back for some time to free herself from being aground at that landing. This has delayed steamer each time.

At times we have landed or tried to land so that we could place the steamer gangplank on the runway; but this was impossible to do, because of the water having lowered so as to cause the gangplank to come 5 or 6 feet short of reaching the water's edge.

About the power company's bridge above the lock: This bridge, I can say, is one of the worst obstructions to steamboats I ever saw on the Mississippi River, and if this bridge opening is not straightened or taken out it will cause some great disaster, loss of life or boat.

This bridge is hard to run at any time, wind or no wind, as these large boats flank a great deal in that deep and dead water.

If this bridge was in line with the lock and the opening at the ice breaker it would be safe for steamboats to run.

Steamer *Dubuque* damaged her starboard guard on one of these piers while she was trying to back through, and I know that it was not the fault of the pilot. I myself was the pilot on duty, and I took every precaution I could, but the wind caught me and blew me on to the Iowa side pier, and the captain and the owners of the *Dubuque* will state this as the fact.

Yours, truly,

HARRY F. LANCASTER,  
Pilot Steamer "Dubuque."

I read from a letter written by C. H. Magee, captain of the steamer *Quincy*, operating on this part of the river:

STRECKFUS STEAMBOAT LINE, St. Louis, Mo.

GENTLEMEN: Your letter of the 11th received, and in regard to steamer *Quincy* being delayed at the entrance to the lock, will say that we tried three times to enter the lock, but couldn't get over, as we hit the rocks that were blasted out. We also sounded and couldn't find more than 3 feet.

We then tied up and got Maj. Meigs out and he had the power company open up the wickets and raised the water 18 inches, and we got over all right.

Yours, truly,

C. MCGEE,  
Captain Steamer "Quincy."

Mr. ADAMSON. Mr. Chairman, will the gentleman tell of the date of that statement?

Mr. RAINEY. That was dated in October last.

Mr. ADAMSON. Have not satisfactory regulations been adopted and acquiesced in since that?

Mr. RAINEY. I did not understand it so.

Mr. ADAMSON. That is my impression.

Mr. RAINEY. I understand the storing of the water still goes on.

Mr. ADAMSON. I am talking about the use and regulation of the dam so as to provide for the flow of water below.

Mr. RAINEY. I do not understand that there have been any changes. At any rate, if there have been, there can not be any objection to this amendment, because it seeks to reach only such storage of water as affects navigation and is advisory in its character, in order to produce some better regulations hereafter, if water is to be stored at night, than there has been heretofore.

Now, I have a number of letters from companies operating on the river, as to the varying tides in the river below the dam caused by storing the water there in the nighttime, in order to enable this company to produce 104,000 horsepower, which is all they can produce even if permitted to store the way they have been permitted to store heretofore. That sort of storage, if it interferes with navigation, ought not to be permitted, and if this is a bill to promote navigation, as the committee insists it is, then, in connection with the statement in this bill which comes just ahead of this amendment, to the effect that the interests of navigation shall be paramount, there can be no objection to an amendment of this character.

The CHAIRMAN. The question is on the amendment.

Mr. STEVENS of Minnesota. Mr. Chairman, the gentleman's amendment goes to the root of the difficulty which always has existed and always must exist in the use of dams for water power, and navigation also, in navigable streams, and if such an amendment be adopted of course it would completely end the construction of any more dams in any navigable streams in this country and destroy those which now are so used.

The situation is this: I have had several years of experience in such a controversy, as I narrated to the committee the other

day, upon the St. Croix River, between Minnesota and Wisconsin, of which the western part is in my district. Every dam which is constructed in a navigable stream where navigation exists necessarily impedes the navigation somewhat. Both navigation and power want all the water. Both of them can not have all the water. There must be, in order that both shall exist—and both ought to exist in the proper use of a stream—a proper division. If only one shall exist, a very large part of the water resources of that section are wasted, so that it is the business of the Government, in order to utilize to the utmost the water resources of that region, to take hold and regulate how that water ought to be used for the best advantage of the people and encourage all interests properly in the best use of the water which is for the public use.

Now, in the St. Croix River we had the same trouble years ago; both navigation and the power interests wanted to be first considered. After various hearings the War Department adopted a set of rules and regulations which have worked fairly well ever since, navigation being given the preference in the use of the water. The same condition will necessarily exist at Keokuk. Of course, the steamboat owners wish to use that water and go as they please all the time. Naturally, I do not blame them at all. The power interest wishes to use that water all the time. Neither of them can do so. If the gentleman's amendment passes, that will eliminate the Keokuk Dam as a power proposition. If the Keokuk Dam people would have their way, it almost would wipe out the steamboats unless we shall be careful. Neither of them ought to have their own way. Both of them should exist and flourish. It is the business of the Government to decide what ought to be done and cause them all to be good and all to prosper, and our committee had that very situation in mind in framing the present law, where it provides:

And in the use and operation of such navigation facilities the interests of navigation shall be paramount to the uses of such dams by such grantee for power purposes.

In other words, we provide that in the disposition of the water the War Department shall give first consideration to the interests of navigation. Now, we had this same complaint last winter when the committee went to Keokuk, and we found the same condition had existed, and we found undoubtedly that the power company was to blame in doing or allowing that to be done. We jumped on them just as hard as we knew how, and we told them that that condition ought to stop and must stop and that navigation ought to be cared for, and the engineer was informed and the power company was informed and the steamboat people were informed of the rules by which they can have the right to have power at such times as may be deemed reasonable by the Chief of Engineers. We were informed that the situation last fall, of which the gentleman from Illinois complains, was due in large part to the experiments in the use of water with a new dam, to the closing or adjusting parts of the works, which was necessary then, and would not occur again. We examined the situation and believed it to be true and that such difficulties will not occur again to the detriment of navigation.

But if the law places a hard-and-fast rule on the use of water, of course that disposes of the use of the water for power, and but little power could be generated; so the value of the plant for that purpose would be destroyed. The result is, we believe, that this amendment placed by the committee in the bill would notify the engineers that that water must be conserved, that it must be utilized to the greatest advantage for both navigation and power, and that navigation should be paramount. But if we attempt to make a hard-and-fast rule that the natural flow for navigation must be maintained all the time, that completely destroys all power.

Now I yield to the gentleman from Illinois.

Mr. RAINEY. I do not think the gentleman understood the amendment as read.

Mr. STEVENS of Minnesota. I listened to it carefully.

Mr. RAINEY. It seeks to accomplish exactly what the gentleman wishes.

Mr. STEVENS of Minnesota. But I will say to the gentleman that the Keokuk Dam is not the only dam in the United States. Remember that this bill covers all the dams. The War Department and the Chief of Engineers, with their officers and civil engineers of ability and experience on the ground, who have had experience in that kind of work—and they have it all over the United States under all sorts of conditions—can adopt rules and regulations to preserve this water to the best advantage of the people better than can be done by an arbitrary rule laid down by the House.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.



Mr. ESCH. Does not the law now authorize the Secretary of War to determine and regulate the level of the boom?

Mr. STEVENS of Minnesota. Yes: that was provided in the first water-power bill that was passed, and we continue it in this bill. But now we lay down the rule as to preference. I believe the preference ought to be given to commerce; and, fitting in with this situation all over the United States, I think it would accomplish just exactly what my friend from Illinois [Mr. RAINEY] desires to accomplish, and yet give some benefit to the power resources.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question was taken, and the amendment was rejected.

Mr. THOMSON of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend. page 7, by striking out the word "such" after the word "any," in line 5 of said page, and by inserting, after the word "dam," in said line, the following: "built under the provisions of this act."

The CHAIRMAN. All debate on this paragraph and amendments thereto has closed.

Mr. THOMSON of Illinois. I beg pardon. I have five minutes.

Mr. ADAMSON. There is five minutes' time left.

The CHAIRMAN. Yes. The gentleman from Illinois will proceed.

Mr. THOMSON of Illinois. Mr. Chairman, in connection with the amendment offered by the gentleman from Minnesota [Mr. ANDERSON], on line 3 it seems to me this amendment should be made. Unless this amendment be made in connection with the amendment offered by the gentleman from Minnesota and adopted, the section would read this way:

That the right is hereby reserved to the United States to construct, maintain, and operate in connection with any dam built in accordance with the provisions of this act a suitable lock or locks, booms, sluices, or any other structures for navigation purposes and the operation of navigation facilities which shall be constructed as a part of or in connection with such dam.

In other words, the word "such" would seem to limit what follows to such dams as the Government might put a lock in.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield there for an interruption?

Mr. THOMSON of Illinois. Certainly.

Mr. ADAMSON. Does the gentleman think that the insertion of the amendment of the gentleman from Minnesota changes the preceding sense or the object to which the word "such" refers?

Mr. THOMSON of Illinois. With the amendment of the gentleman from Minnesota, the word "such" confines what follows to the dam that the Government might put a lock in.

Mr. ADAMSON. Let me hear the gentleman read it as he has amended it.

Mr. THOMSON of Illinois. I read:

That the right is hereby reserved to the United States to construct, maintain, and operate in connection with any dam built in accordance with the provisions of this act a suitable lock or locks, booms, sluices, or other structures for navigation purposes and the operation of navigation facilities which shall be constructed as a part of or in connection with such dam.

And so on.

Mr. ADAMSON. What do you put in there?

Mr. THOMSON of Illinois. I strike out the word "such" and put in the words "built under the provisions of this act" after the word "dam."

Mr. ADAMSON. If you do not strike out the word "such," it still will not refer to anything except "under the provisions of this act." Does not the word "such" mean the same thing?

Mr. THOMSON of Illinois. No, sir; it does not. The word "such," with the amendment inserted in line 3 by the gentleman from Minnesota, would seem to relate to the language in lines 3, 4, and 5—to such dams as the Government would build a lock in.

Mr. ADAMSON. You have added in there "in connection with the construction," and so forth.

Mr. MANN. The amendment offered by the gentleman from Minnesota says "any dam built in accordance with the provisions of this act." That is the dam referred to. That is "such" dam.

Mr. THOMSON of Illinois. I do not think so. If I did, I would not offer my amendment, certainly.

Mr. MANN. "Such dam" must refer to that, because that is what it is.

Mr. THOMSON of Illinois. No. The first words of the section, with the amendment adopted offered by the gentleman from Minnesota, provide that the Government reserves the right to build a lock in a dam, and then it goes ahead and says

that "the operation of navigation facilities which shall be constructed in any such dam," namely, the dam that the Government decides to build a lock in, and so on.

Mr. MANN. How does the gentleman propose to change it? Mr. THOMSON of Illinois. I propose to change it so as to read "any dam built under the provisions of this act."

Mr. MANN. I do not think there is any objection to that.

Mr. ADAMSON. I do not think it makes any difference.

Mr. THOMSON of Illinois. It removes the possibility of raising a question; and at least there is a possibility of contending that the word "such" in there means—

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. THOMSON].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 6. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise.

Mr. LIEB. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. LIEB. Mr. Chairman, the committee, in its report, urges the passage of this bill for two reasons, namely:

First and primarily, to promote navigation on streams which otherwise would never be navigable. \* \* \* And, secondly, to permit the development of the resources and the progress of the industries of the countries through which those streams run by encouraging the development of possible water power on those streams.

I am opposed to the measure for two reasons: First, because it is absolutely hostile to time-honored Democratic principles, and, secondly, because it does not square with sound, practical business methods.

My disagreement with the first reason advanced by the committee is clear-cut. I do not believe that this bill will "first and primarily, promote navigation." I am firmly convinced that that very desirable result will be subordinated, and that the first and primary effort will be to promote water power for private gain. The committee's second premise is in reality not a premise at all but merely a tail to the first kite, so that the proposition is that of whether or not this bill, if enacted into law, will or will not have the beneficial effect predicted by the committee.

Has this House, composed of men of wide experience, forgotten that immortal doctrine of the father of Democracy with which every school child is familiar: "Equal rights to all; special privileges to none"? This sentiment has been reiterated by the Democratic Party at every opportunity since its utterance. Witness this paragraph from the platform adopted by the Democratic Party at Baltimore in 1912:

We insist upon the full exercise of all the powers of the Government, both State and National, to protect the people from injustice at the hands of those who seek to make the Government a private asset in business. There is no twilight zone between the National and State in which conflicting interests can take refuge from both.

I can not conceive how it would be possible to engineer a more brazen attempt to create a "twilight zone" than in the case of this bill. Why give this special privilege to water-power monopolists at the expense of equal rights to all our citizens, so that our streams will be made navigable? Oh, shades of Jefferson, behold the water-power monopolists in the light of public benefactors.

Under the present policy of river and harbor improvement rivers are not improved unless the territory through which they pass is evidently able to originate sufficient traffic to compensate for the cost of the improvement. That being the case, this bill seeks to secure the navigability of a stream which is manifestly unproductive of commerce by giving to the water-power monopolists one of the greatest natural resources of which the country boasts. The benefits that might be derived from making a given stream navigable can be pretty fairly gauged. The loss through giving away the people's heritage can not even be estimated. Yet it is here proposed to make the exchange. It is a similar proposition to that of the small boy whose pocket-knife has a broken blade proposing to swap "sight unseen" with the boy whose knife he knows to be in perfect condition. It is the sale of a birthright for a mess of pottage. [Applause.]

I now propose that if we are to give away our birthright we find a more worthy object for our bounty than the Water Power Trust. If we must make a gift, let it be to the people. Let us improve every navigable stream at the expense of the people of the several States and then let us declare the several States and their people the owners of the water power that has been thus developed. The income derived by the States would ultimately compensate for the cost of the improvement, and the people would still hold title to the water-power right and have the



benefit of a vast system of navigable streams by means of which to carry on their commerce. If the water-power monopolists can pay for the cost of making these streams navigable from revenue derived from the water power, the people can do the same thing, and in addition keep these great natural resources for themselves and posterity.

Mr. ADAMSON. Mr. Chairman, will the gentleman permit a question?

Mr. LIEB. Excuse me for the present.

The CHAIRMAN. The gentleman declines to yield at this time.

Mr. LIEB. I call to Members' attention as a concrete example the case of this good city of Washington. A few miles above the city there is what is known as the Great Falls of the Potomac River. Every Member of the House knows the possibility of that section as to the development of water power, and, further, that the Potomac is only navigable up to that section. Under the terms of this bill water-power monopolists can secure the right to build locks and a dam at or near Great Falls of such a character as to form a pool that will make that section of the Potomac navigable. They then have a monopoly of the water power that might be developed there. This water power could then be sold in the city of Washington at a considerable profit. As a result a section of the country which is not largely productive of commerce would have for the development of its commerce a navigable stream, but the people would have lost the water-power right and extended special privileges to the water-power monopoly.

My proposal is that the Federal Government build that lock and dam and then give to the government of the District of Columbia the water power thus created. Let the District government derive whatever profit is to be made from the project. But the argument is advanced that the people would be compelled to bear the burden of the cost of construction. That can not be gainsaid. But what of lightening those burdens by means of the sale of the water power, and so forth? I repeat that on this basis, if the project should be carried to a conclusion, we would find here a navigable river, cheaper and better light and power facilities, and ultimately, through the retention of the water-power rights in the hands of the people, a lower rate of taxation. [Applause.]

In my judgment there are innumerable legal and technical weaknesses in this measure that are of themselves sufficient to condemn it, but I base my opposition on broad, economic ground. I say render unto the people that which is the people's, remain true to the Democratic faith, and husband for posterity the priceless heritage that is theirs. Let us not follow in the footsteps of our predecessors by creating a "twilight zone," where special privilege can mulct the people unrestrained.

I can not believe that a bill so undemocratic as this will ever become law during a Democratic administration. Should it pass this House I predict for it a peaceful end in the Senate, but should it by mischance reach the Executive, I feel confident that the great statesman and friend of the people now occupying the White House will find expression for a righteous wrath by exercising his constitutional prerogative of the veto. [Applause.]

In this connection I desire to quote an article on Waterway Improvement written by Gen. William H. Bixby, former Chief of Engineers of the United States Army, for the Engineering News:

For future development in river transportation it is far more essential to increase the total mileage for the use of medium draft vessels in the United States than it is to secure deeper draft improvements along the comparatively short stretches of the ocean and Great Lakes water fronts. Ideal transportation will not be accomplished until all rivers and canals may be utilized by vessels drawing from 6 to 9 feet.

The most important function of a river is its use as a free, or nearly free, route of transportation, but at the same time the river is exceedingly useful as a means of water supply for household, municipal, factory, and farm consumption, as a means of dynamic power, and as a means of drainage and sewerage. On the other hand, the river is detrimental and often dangerous as regards its power to destroy riparian properties by erosion, and a source of mixed benefit and danger from its overflow.

As a general rule, the availability of the river for irrigation and power is greatest in the upper quarter of its length, where navigation is impracticable. The river is usually most dangerous to property in the upper quarter and lower half; and its usefulness for drainage, sewerage, or refuse removal is greatest in its lower three-quarters. For direct consumption of its water by people and factories, quantity and uniformity of flow and purity of water are important features; for irrigation purposes the purity usually becomes nonessential; for power alone the quantity of water, its uniform flow, and height of fall are important.

Droughts injure the usefulness of the river for alimentation, irrigation, drainage, and navigation purposes and have but few, if any, redeeming qualities. Floods, though often causing great damage by bank erosion and by property destruction, are yet often of great benefit by reason of their fertilizing deposits, which so enrich the river bottom lands that even one good crop in three years will sometimes render the land profitable to the landowner.

The special conditions most favorable to each of the above functions of a river are so divergent that it is usually impossible to establish any

river improvement without detriment to one or more of such functions. A reasonable compromise in such matters is all that can be expected.

Under such circumstances Federal conservation and control of water interests, as a whole, seems difficult and impracticable, except within public lands; and State control within State limits, subject only to Federal control of the interests of public navigation, now seems the only immediate, and possibly final, solution of the question.

While storage reservoirs for irrigation purposes, for city and factory use, for navigable canals, or for power on the upper nonnavigable portions of rivers, are used to a moderate extent throughout Europe, artificial reservoirs at river headwaters merely to prevent low-water stages in the lower navigable river are not in general or extensive use.

The weakest point of any storage-reservoir system for flood prevention is that the most dangerous and injurious floods in a river basin are often produced by heavy rainfall in the middle areas of such basin, while the reservoirs near the headwaters of the river are too high up the river to be of use when most needed.

In many European countries, such as Austria-Hungary, the protection of property from river overflow is secured generally by levees on each side of the river bank of such height and distance apart that the space between them is sufficient to hold as much water as can fall during several days of heavy rainfall in the basin above, the result of such levees being practically to form a long, narrow, temporary, and intermittent reservoir, requiring several days to fill or to empty, along the full length of the river in the place where most needed. The cost of such reservoirs between levees being no more than the cost of upstream reservoirs necessary to produce an equally useful effect.

Such water control by levees for reducing to a minimum the property damage from floods appears to have proved the most satisfactory solution up to the present time.

In France, Germany, and Austria the General Government and improvement associations acquire the riparian properties before commencing or completing the river improvements, by which process the reclaimed lands become sources of profit to the improvement work and help to pay therefor. This practice, so far as legal and practicable, seems worthy of being followed in the United States, and legislation in that direction should be enacted or encouraged for all locations.

The ownership of water powers on existing streams, while a question of great importance, is still not at all uniform throughout the various individual States and, perhaps, not fully settled in the courts.

Except where the Federal Government is the original owner, as within the forest reserves under charge of the Department of Agriculture, or on other public lands under charge of the Department of the Interior, or by special acquisition and act of Congress, the Federal Government has not at present any absolute undisputed ownership of undeveloped water powers.

But on all navigable streams and on those which affect navigation the Federal Government has a limited control of water and water powers. As a general rule, throughout the United States, the public right to the use of a river for purposes of navigation to the extent deemed proper by the Federal Government, takes precedence over all other rights; and the use and control of the water and of its flow within the river takes precedence over other uses and controls.

The general dam act of June 23, 1910, recognized the fact that the ownership of power developed by dams constructed wholly at private expense is a matter for control by the individual States and not by the Federal Government. In accordance with this act, the United States, through the War Department, is empowered to require the dam owner to furnish free of cost such water and such locks, log sluices, fishways, and other auxiliary constructions as are necessary in the interest of navigation and the fisheries, and the act reserves to the United States the control of water levels.

What is most essential is not so much the present development of the water power as it is such an early action by each State as shall assure the conservation of all potential water powers in such a way as to prevent them from being monopolized by private parties during present disuse, and as to make possible at any future day their use to the fullest extent allowable and to the greatest benefit to the general public.

As levees and drainage are built principally for the reclamation of farm land and of other private properties; as irrigation systems are built principally for the development of farm property and the building up of communities; and as water powers are developed principally for the building up of corporations and business concerns concerned mainly with developments within a single State, it seems very proper that all these engineer constructions should be regulated, if at all, by State authority rather than by Federal authority, and that the Federal Government should intervene only as an advisor or a controller, and should be an executive only so far as such constructions reach within the limits of several States or directly affect the development and prosperity of several States.

Because of the present growing probability that the natural resources of land and water must eventually be handled in some such manner as above outlined, it is already urgently necessary that every State of the Union, which has not already done so, should establish at an early date an office of State engineer, or its equivalent, to investigate, report results, advise the State legislature, direct construction operations, and exercise State control of all work or drainage, irrigation, water-power construction, and other water utilities within each State, leaving to the Federal Government the control of only such of these constructions as concern such rivers and harbors as do not properly come under control of a single State.

Mr. LINDBERGH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LINDBERGH:  
Page 7, line 24, after the word "works" insert "and lessees under section 14 of this act."

Mr. ADAMSON. Will the gentleman yield?

Mr. LINDBERGH. Yes.

Mr. ADAMSON. Did you examine the language at the top of page 10, where you will see that that provision is already amply made—

and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original owner hereunder?



Mr. LINDBERGH. The gentleman may be correct about that, but there are six of these Government reservoirs in my district—

Mr. ADAMSON. The purpose of this language is to meet that.

Mr. LINDBERGH. And I should like to have the same rule of damages apply to those who take leases, as applied to the owners of the original structures, and if there is any doubt about it, I should like to have that doubt removed.

Mr. ADAMSON. If the gentleman will notice the language preceding that—

And any successor or assign of such property or project, whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the approval under which such rights are held.

Mr. LINDBERGH. Where is that?

Mr. ADAMSON. At the top of page 10. It was put in there for the very purpose for which the gentleman suggests his amendment.

Mr. LINDBERGH. That applies to permits to construct dams. I refer to section 14, where there is a provision for the leasing of the power from the reservoirs, and I have not yet concluded that the right to secure damages applies against the people who secure lease rights under section 14.

Mr. ADAMSON. When the gentleman gets to section 14 he will find that it also is amply guarded to meet these conditions. If not, we can amend it when we get to it.

Mr. LINDBERGH. With that understanding, I withdraw the amendment.

Mr. MANN. I object. I want to be heard on the amendment.

The CHAIRMAN. The gentleman from Illinois objects to withdrawing the amendment.

Mr. MANN. We might as well discuss it now as when we get to section 14.

The gentleman from Minnesota [Mr. LINDBERGH], who has just succeeded, with his influence, in passing through this House a bill authorizing homestead entries upon some of the lands where the Government has flowage rights and reserving the flowage rights to the Government, has now proposed an amendment which would require the Government to pay for overflowing any of these lands where it has reserved the flowage rights. That is in effect the proposition now pending. The gentleman proposes to make any lessee of the Government pay for any damage that may be inflicted by overflow or otherwise. These lessees are lessees of Government projects. In effect it is the Government itself, because if the lessee has to pay a certain amount of damages, of course the lessee will not pay as much.

Mr. LINDBERGH. I do not ask to have my amendment apply particularly or alone to those who take homesteads on these lands; but there are many other people whom this section will affect, who have lands that may be damaged by the overflow. A comparatively small part of the land will be owned by the people who take homesteads.

Mr. MANN. I believe my friend from Minnesota [Mr. LINDBERGH] is going up to make an investigation of some of these overflow matters. I do not doubt that there may be cases where the Government is equitably bound to make reparation for overflow, if the Government did not have the right to overflow a reservation, in reference to these reservoirs in the gentleman's district. But if the Government is under that obligation, the Government must assume it. It can not pass it on to the lessee down on the Mississippi River, away below the reservoirs. The Government must remain under the obligation, and if there be any obligation it ought to settle; but where the Government has reserved the right to overflow there ought not to be any obligation on the part of the Government. Now, there is no object in putting this burden on the lessee, because with that burden imposed the Government gets that much less money for the lease of the power it has reserved or created.

Mr. LINDBERGH. Does not the gentleman think this section establishes a rule of damages different from the common law?

Mr. MANN. I do not. I will say to the gentleman frankly that I put this provision, or one like it, into the first law, as a matter of extra precaution. I doubt whether the Government has any jurisdiction over the subject at all.

Mr. STEPHENS of Minnesota. Is there any doubt that it has not?

Mr. MANN. It is perfectly plain that if we give to a grantee the authority to build a dam, and he injures private property in a State, under the State constitution he must pay for the damage to the private property.

In most of the States if he takes or injures the property he is liable for it. The Government has no control over these laws,

because they are State laws affecting only the personal property in the State. But in order that we might put the grantees on notice that they were obliged to pay for these damages inflicted, we put it into the various laws originally that have been passed so that they would know that we recognize the fact that they were liable to damages, although I do not think you could bring a suit under that provision.

Mr. ANDERSON. If I understand what my colleague is after it is to make the Government liable where it builds reservoirs in connection with the dam and its overflows.

Mr. MANN. Undoubtedly the amendment offered by the gentleman's colleague would be effective, because while we have no power over damages to private property in a State, we have control of the question of recovering damages against the United States or its lessees.

Mr. LINDBERGH. I am not seeking to make it apply to the Government, but to make it apply to those who acquire the leases.

Mr. MANN. That is the same effect; they are the lessees of the Government property.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 7. That any grantee who shall fail or refuse to comply with the lawful order of the Secretary of War, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$1,000, and every month such grantee shall remain in default shall be deemed a new offense and subject such grantee to additional penalties therefor; and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proper proceedings in the district court of the United States in the district in which such structure or any of its accessory works may, in whole or in part, exist, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have jurisdiction over all such proceedings and shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the requirements of this act and the lawful orders of the Secretary of War and the performance of any condition or stipulation imposed under the provisions of this act; and if the unlawful maintenance and operation are shown to be such as shall require a revocation of all rights and privileges held under authority of this act, the court may decree such revocation. In case of such a decree, the court may wind up the business of such grantee conducted under the rights in question, and may decree the sale of the dam and all appurtenant property constructed or acquired under authority of this act, and may declare such dam and accessory works to be an unreasonable obstruction to navigation and cause their removal at the expense of the grantee owning or controlling the same, except when the United States has been previously reimbursed for such removal, or may provide for the sale of the dam and all accessory and appurtenant works constructed under authority of this act for the further development of water power, and may make and enforce such other and further orders and decrees as equity demands; and in case of such a sale for the further development of water power the vendee shall take the rights and privileges and shall perform the duties which belonged to the previous grantee, and shall assume such outstanding obligations and liabilities arising out of the maintenance and operation of said dam and accessory works for power purposes as the court may deem equitable in the premises.

Mr. ANDERSON. Mr. Chairman, I move to strike out the word "and," in line 4, page 9, and insert the word "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 4, strike out the word "and" and insert in lieu thereof the word "or."

Mr. ANDERSON. Mr. Chairman, I think the necessity of that amendment must be obvious to the committee. I do not want to take much time.

Mr. ADAMSON. I do not think it is worth debating. The two propositions are coupled with the word "and," meaning that they can do either one or both.

Mr. THOMSON of Illinois. Mr. Chairman, I have an amendment in the way of a substitute.

The CHAIRMAN. The Clerk will report the amendment by way of a substitute.

The Clerk read as follows:

Amend. page 9, lines 2, 3, and 4, by striking out everything after the word "and," in line 2, down to and including the word "and," in line 4.

Mr. THOMSON of Illinois. Mr. Chairman, the part that is stricken out includes the word "and" that would be changed under the amendment of the gentleman from Minnesota to the word "or." The language stricken out is as follows:

may decree the sale of the dam and all appurtenant property constructed or acquired under authority of this act, and—

Mr. ADAMSON. Why does the gentleman object to that if the Government can find a better party to conduct it?

Mr. THOMSON of Illinois. Because the same proposition is contained in lines 9, 10, and 11 on page 9, where it says— or may provide for the sale of the dam and all accessory works constructed under authority of this act.

Mr. ADAMSON. I have been pretty good in regard to the gentleman's doubling up language two or three times. We are not stingy about the use of language.

Mr. THOMSON of Illinois. I would not charge the gentleman with being stingy, but I am certain that he does not want to use the same language two or three times with no purpose. I wish the gentleman would permit me to read the section beginning at the bottom of page 8 with this language left out:

In case of such a decree, the court may wind up the business of such grantee conducted under the rights in question, and may declare such dam and accessory works to be an unreasonable obstruction to navigation and cause their removal at the expense of the grantee owning or controlling the same.

That merely says that in such case he may wind up the business concern and by decree provide for a removal of the dam, or he may sell it. The language I propose to strike out is left in the bill almost word for word. I call the gentleman's attention to the fact that in one place it is in the bill in italics and in another place in roman. The italics were added after the other part, and maybe they put in the same language twice by mistake.

Mr. ADAMSON. If the gentleman will permit, I will ask the gentleman from Minnesota to apologize.

Mr. STEVENS of Minnesota. I think the gentleman from Illinois is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois as a substitute.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 8, lines 10 and 11, after the word "penalty," strike out the words "the Attorney General may, on request of" and insert the word "may" after "Secretary of War."

Mr. ANDERSON. Mr. Chairman, the pending section changes in a very vital particular the present law with respect to the enforcement of the orders of the Secretary of War in connection with the water power in navigation projects. The present law provides that in case of a violation of the lawful order of the Secretary of War he may cause the removal of the property erected under the act. The pending section provides that he may apply to the Attorney General to institute an action to cause the enforcement of the order.

It is perfectly obvious that it is of absolutely no avail for the Secretary of War to make an order requiring the grantee to perform any particular act if he has not the power to compel the enforcement of that order. Under the pending section he can do absolutely nothing except apply to the Attorney General to institute the necessary proceedings in mandamus or injunction, whatever it may be, to compel the enforcement of his order, because the section reads:

And in addition to the penalties, the Attorney General may, on request of the Secretary of War, institute proper proceedings in the district court of the United States—

And so forth.

Mr. ADAMSON. What is the gentleman's suggestion?

Mr. ANDERSON. I simply propose to strike out the language, "the Attorney General may, on request of" and insert after the words "the Secretary of War" the word "may," so that it will read:

In addition to the penalties, the Secretary of War may institute proper proceedings—

And so forth.

Mr. ADAMSON. He would have to do it through the Attorney General, would he not?

Mr. ANDERSON. I do not think he would necessarily, but even if he did, it is at least mandatory in that event, which it certainly is not now.

Mr. ADAMSON. I am perfectly willing to substitute the word "shall" for the word "may," but it means the same thing.

Mr. MANN. Oh, not at all.

Mr. ADAMSON. But I do not think we ought to use mandatory language to a Cabinet officer.

Mr. ANDERSON. Of course, as far as I am concerned, I object to the whole proposition, which changes the enforcement of the law from an administrative enforcement to a judicial enforcement.

Mr. ADAMSON. Does the gentleman imagine that he could get up a legitimate section that would dispense with the possibility of litigation?

Mr. ANDERSON. Not at all.

Mr. ADAMSON. You can not deny a citizen of the United States access to the courthouse. You have to file suit against him and let him plead.

Mr. ANDERSON. The present law—and I understand the gentleman had something to do with the passage of that law—provides that the Secretary of War may, upon the refusal of the persons owning or controlling any such dam, and so forth, to comply with any lawful order, cause the removal of such dam, accessory works, and so forth.

Mr. ADAMSON. He would have to do it just exactly as we have expressed here—by a lawsuit.

Mr. ANDERSON. I do not think he would at all. It is an administrative proposition. This section changes absolutely the general policy with respect to the enforcement of these orders of the Secretary of War. There can not be any question about that.

Mr. STEVENS of Minnesota. All it changes is the burden. It does not change going into court at all.

Mr. MANN. Mr. Chairman, I am not sure that I recall exactly all of the provisions in the original dam law, but my recollection is that it authorized the Secretary of War to remove a dam where the Secretary thought it was an obstruction to navigation, if he choose, and it put a penalty upon the obstructor or the owner of the dam who did not remove it when he was notified to, and that was the second remedy. The third remedy was to authorize the Secretary of War, through the Attorney General, to go into court through mandamus, injunction, or any other summary or other kind of proceedings, so that there could be no rights lost on the part of the Government to remove obstructions where they ought to be removed. Of course, if the Secretary of War should come in and remove an obstruction to navigation illegally, he would be responsible for that act, and probably the officials under him would be personally responsible. The Secretary of War would not do that where there was any possible controversy. There might be cases, however, where the Secretary of War would direct the officials to remove an obstruction to navigation, as he does now. In the case of a sunken vessel or things of that kind in a river, where he does not wish to go into court to get authority to do it.

Mr. ADAMSON. What does the gentleman think of the suggestion of the gentleman from Minnesota [Mr. STEVENS] that this merely changes the burden, that under the provision to which the gentleman refers the grantee himself could go in and restrain an illegality if it was illegal to do so.

Mr. MANN. The grantee will not come in.

Mr. ADAMSON. The point is that you can not deprive a man of his rights in court.

Mr. MANN. You can not deprive a man of his rights theoretically, but you can sometimes remove his obstruction to navigation, whether he consents or not. The gentleman from Minnesota [Mr. ANDERSON] has suggested in the amendment that he proposed, as I understand it, to make the statute read that the Attorney General shall commence the suit.

Mr. ANDERSON. Oh, that was suggested by the gentleman from Georgia.

Mr. MANN. I understood the gentleman from Minnesota to suggest that.

Mr. ADAMSON. No; the gentleman from Minnesota wants to leave it so that the Secretary of War may or shall commence suit without going to the Attorney General.

Mr. MANN. The Secretary of War, of course, can not commence a suit. Suit has to be commenced by an attorney. The Secretary of War is not officially an attorney. He might commence a suit, I suppose, if we authorized him to do so by the Judge Advocate General, but the suits on behalf of the Government of the United States are brought through the district attorneys of the United States, and they are under the jurisdiction of the Attorney General. It would be ridiculous, it seems to me, to say that all over the United States the Secretary of War should be obliged to send the Judge Advocate General to commence a suit in any district in the United States, instead of having the regular attorneys attend to those suits. Nor do you want to say that the Secretary of War "shall," because it will be a constant practice where anything is done at all for the Secretary of War to refer certain facts to the Attorney General with the request that if the facts warrant it the Attorney General shall commence a suit on behalf of the United States, and it will be the Attorney General, or the lawyers, who must determine in the end whether the facts warrant the beginning of a suit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 8. That no property or project installed and operated under the provisions or benefits of this act shall be assigned or transferred except upon the written consent of the Secretary of War, except by trust deed or mortgage issued for the purpose of financing the business of such



owner, and any successor or assign of such property or project, whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original owner hereunder.

Mr. STEVENS of New Hampshire. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 9, line 21, after the word "that," by inserting the words "no rights granted under the provisions of this act and."

Mr. STEVENS of New Hampshire. Mr. Chairman, this section is intended to prevent the transfer of property or any project without the consent of the Secretary of War, and it should be so amended as to include not only the property, but any rights granted under the act. The grantees have at least one year in which to begin the actual project. It would be possible under this section as now written for promoters to get the franchise under the act and dispose of it, quite a usual proceeding in the development of water power, and I think that this ought to be prevented.

Mr. ADAMSON. That is all right.

Mr. STEVENS of Minnesota. If the gentleman will permit me to ask, does not the word "project" include rights? Was not that the intention?

Mr. STEVENS of New Hampshire. I think that was the intention, but the words "install and operate" clearly restrict it to the actual property.

The question was taken, and the amendment was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 10, line 2, by inserting, after the word "project," the following: "or any rights accruing hereunder."

Mr. THOMSON of Illinois. Mr. Chairman, that amendment is merely following out the amendment offered by the gentleman from New Hampshire, and if one is adopted the other should be.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the dam described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided, or until said rights and privileges are revoked as provided in this act, or until action by Congress shall have provided for the disposition of the project or for extending the consent of Congress and fixing the period of extension, as well as providing such additional terms and conditions of consent as Congress may deem wise.

Mr. STEVENS of New Hampshire. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 9, page 10, by striking out all of said section and substituting in place thereof the following:

"SEC. 9. That the rights granted herein shall continue for a period of 50 years from and after the date of the original approval unless sooner revoked or forfeited, as provided for in this act."

Mr. STEVENS of New Hampshire. Mr. Chairman, this amendment makes two rather important changes in this section. The original section provided that the 50 years should begin to run from the date of the completion of the dam. That is changed by the amendment to the date of the original approval. The date of the completion of any particular dam or project is necessarily more or less vague. There might be disputes arising as just when the dam is or is not completed; and it is very essential in fixing the term of any charter that the date and time from which the charter began to run should be very definite and possible to ascertain, and therefore it is changed by this amendment to the date of the original approval. Under section 9 as originally written the charter, though for 50 years, is really in fact an indefinite charter. It runs for 50 years, or until the Government shall take the property away, or until Congress shall pass some other act, some other law. I believe a charter granted under this act, which is for 50 years, and a long term, should be not only definite when it begins, but absolutely definite when it closes, and the time should be fixed certainly for the end of the charter. If the Government should not see fit to take the property over, and if Congress should not have provided for a disposition of the project for extending the consent of Congress or fixing the period of extension, the grantees would then be merely tenants by sufferance, which is really all the rights they ought to have under such a long-term lease. One other benefit, I think, would be derived from accepting this amendment. I have no doubt that the rights of the grantees under this charter will be in many instances a valuable right,

and the conditions and terms which we would fix to-day are likely to be much more generous to capital than those that would be fixed 50 years from now. Consequently the grantees under this act without exception, in my opinion, will desire no further legislation on the part of Congress.

They will prefer to have this charter run as long as possible. Therefore they will be in a position to obstruct or desire no legislation by Congress. But if their term absolutely expires, they are merely tenants by sufferance, and in order to get a definite extension of the rights of a new charter it will require affirmative action by Congress, these interests themselves will be anxious for action by Congress.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question there?

Mr. STEVENS of New Hampshire. Yes.

Mr. UNDERWOOD. My desire in reference to this bill is entirely on the question of making it sufficiently liberal to get capital to invest its money. Now, as I understand the gentleman's proposed amendment, he proposes to have the grantee's rights entirely cease at the end of 50 years. Now, the proposition herein contained is that the grantee can have his rights taken away from him at the end of 50 years on the happening of an event, to wit, the paying him back of the fair value of his property. Now, if your provision goes in there and he is required to get further legislation and there is no provision in there that the Government at the end of the happening of this event should absolutely pay him back his money, do you think anybody would put their money in there?

Mr. STEVENS of New Hampshire. Yes; I think they would.

Mr. UNDERWOOD. In view of the fact that he can not amortize this proposition because of the regulation of the rate? Now, it seems to me, if the gentleman will allow me—

Mr. STEVENS of New Hampshire. Is this on my time or the gentleman's time?

Mr. UNDERWOOD. I did not propose to talk in the gentleman's time. I just wanted to call that to his attention as a business proposition.

Mr. STEVENS of New Hampshire. I am willing for the gentleman to proceed, but I did not want it to come out of my time. If it is my time, I wish to make a suggestion in answer to the argument. The fact that the charter terminates, and the rights terminate under the charter, does not of itself, of course, deprive the corporation of its rights in the property that it has constructed and built. If the termination of the charter also forfeited the rights of the property, I think it is true that no capital would be put in. As a matter of fact, if this amendment were adopted, I think there would be no doubt that Congress would either take the property over or would actually provide new terms for its extension. And I believe my amendment would force the adoption of new terms and conditions, and the gentlemen who have their money in it would be asking for legislation rather than making objections to legislation.

Mr. UNDERWOOD. I do not accord at all with the view sometimes expressed here that Congresses of the future will not act in the interests of the people. I think this Congress to-day mainly acts in the interests of the people, and I think we can safely say that Congress in the future is going to do so.

But, if the gentleman's amendment should be adopted and the rights of the grantee are cut off absolutely at the end of 50 years, without he comes to Congress to get a further extension, I take it, then, if his amendment means anything, that the grantee could no longer operate the dam. He might own the machinery, he might own the plants, but he could not continue his operation; and that would be worse than confiscation, because he would be compelled to continue maintenance charges to protect his property, at the same time not being allowed to use his property. Now, if it does not mean that, if the gentleman's amendment does not mean that he is going to cease operations, it does not mean anything more than this bill does, that at the end of 50 years he can use his property until the Government takes it away from him.

Mr. STEVENS of New Hampshire. The tenancy could be stopped not only by Congress but by the action of the Secretary of War.

Mr. UNDERWOOD. That can not be done now, provided he has paid for his property. I take it the only thing in the world, as this bill stands to-day, at the end of 50 years, that prevents the Government or somebody designated by the Government from taking the property is the payment of the money. I think the gentleman will concede that under the terms of this bill the property ought not to be taken from the grantee until he has paid back the money according to the terms of the bill. And it seems to me that that would put an unnecessary burden and an unnecessary equation here. Certainly the gentleman from New Hampshire would not want to write into this law a



proposition that at the end of the 50 years would make a man, although he owned the property, cease to use it until he came to Congress and got a new permit to use it, when he might be perfectly willing to give it up if the Government wanted him to do so, provided he got his money.

Mr. STEVENS of New Hampshire. He would be a tenant in sufferance, and the gentleman just said that Congress would make wise laws in the future. I think that no doubt Congress will provide for the extension or renewal of these franchises. I think they will be more apt to do it, not only if the public interests demand action, but also the private interests of the gentlemen who have their money in there.

Mr. UNDERWOOD. I will say to the gentleman this, that there may be some cases where there is sufficient influence brought to produce immediate action by Congress. But the lone owner of one dam, who has got one Congressman to look after his interests, will often knock at the door of the Congress for a remedy. I do not know of anyone who is in a more hopeless attitude in this House than a man that has a private claim bill. I admit that there are many such bills that ought not to pass. But when there is a just claim a man has very great difficulty in getting the attention of the House.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. UNDERWOOD. Mr. Chairman, I am opposed to the amendment of the gentleman from New Hampshire.

Now, Mr. Chairman, I disagree with some of my brethren on this bill about the penalties that they are putting on the bill, but I am really anxious to get as good a bill as we can to allow the utilization of the water that is being wasted by going down these streams. I think that is true conservation.

But I do not think that we can afford to put provisions in this bill that are either so restrictive that no man can use them, or so indefinite that no man can risk his property in them.

Now, it seems to me that this clause clearly fixes a fair and reasonable determination of this grant, "that the rights herein granted shall continue for a period of 50 years"—from when? From and after the date of the completion of the structure described in the original approval; "and after the expiration of 50 years such right shall continue until compensation has been made by said grantees for the fair value of the property herein."

Now, I take it that the Secretary of War under this bill has the right to fix the date of the completion of the dam. I think that is fairer than to say the date shall begin with the original grant. There are some dams that could be built in this country and completed in one year. Those are the smaller dams. Possibly they could be completed in two years. But the great structures, the great developers of horsepower that would be more beneficial to the country, to the people, and to business are the structures that take years to complete. I happen to know of one that is a possibility which will probably cost \$20,000,000, and I have no doubt it will take at least 10 years to complete its construction.

Now, to say that the 50-year term on such a vast project should begin at the time the project is put into practical operation—a project which perhaps would take 10 years to complete—would practically limit the term to 40 years; and to say to the man on a small project, "You shall run from the time of the signing of the contract," where it takes only one year to build the dam, would be equivalent to saying that he would have 49 years in which to get something back, and that, it seems to me, is clearly putting the cart before the horse. The big project is the one on which you ought to regulate the time so as to get your money back.

I do not believe in the argument that there is not enough money in this country, that money can not be obtained to recapture these projects. If the owner of a dam earns small profits and there be not much money in the enterprise, I take it that at the end of 50 years he will go on, because neither the Government nor anybody else would want to take it away from him, since by doing so you would accomplish nothing if he were making only a small profit or no profit at all. But if there be one of these great enterprises that has greatly increased in value and there is a good profit in the enterprise, and that is shown, I do not think there will be any doubt in the world but that somebody will come to Congress, if Congress itself does not want to deal with the people, and say: "I can make better terms with you; I can make better terms with the Government than the man who has got it." There is no question about that. That is human nature. The desire to get a good thing will bring the bidders here, or the desire to get a good thing will make Congress put up the money itself in order to let the people have the benefit of it.

But I think it would be most injurious, if we want to build these dams, to say to capital: "Although we give you 50 years and agree to pay back to you the value of your property when we recapture it at the end of 50 years, you shall cease to use this dam until you come back and get the permission of Congress." That is practicable, because we are the owners of the property. Do you suppose you could rent a house to a man for a year, or rent the ground for a year to build the house on, or for 10 years, with a contract that if you took it away from him at the end of 10 years you would pay him a fair value for the structure, and then provide in the contract that he had to cease using the house until he came back and made a new contract with you? Nobody would accept it. He would not risk his money. Why should you put him out?

In the case of a dam, if you did not want it, why not let him go along and use it in the interest of the people? He is operating this dam. What condition would my friends put the users of that power in? Suppose that dam was being used to light a town, and at the end of 50 years, by the terms of this contract, you say, "Although you own the project you shall not use it," and he has to shut down his dam and say to the people of that town, "You can not have any more electricity to light up your houses and schools and churches until the consent of Congress is given to use it again."

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. FESS. Is there anything in the contention that if you do not begin the period at the time of the approval of the contract rather than at the completion of the project the work would be expedited?

Mr. UNDERWOOD. There is something in that; but, on the other hand, there is something on the other side. If all those dams could be built in the same length of time, and it would take a short time or a long time—for instance, if we all knew that we were getting back 10 years of our use from the beginning of the project, making it 60 years—that would be one thing; but the indefiniteness in the time of building makes the other a fair proposition.

Mr. FERRIS and Mr. LEWIS of Maryland rose.

The CHAIRMAN. The gentleman from Maryland has been seeking recognition, and the Chair will recognize him before recognizing the gentleman from Oklahoma.

Mr. LEWIS of Maryland. Mr. Chairman, I desire to discuss the amendment as well as the original clause.

Mr. COOPER. Will the gentleman permit one question right there?

Mr. LEWIS of Maryland. Surely.

Mr. COOPER. While the gentleman is discussing it, will he please discuss the provision, on page 14, which requires the dams to be completed within the further time of three years, making four years altogether?

Mr. LEWIS of Maryland. I shall have to decline to go into that point.

I quite agree with the statement of the distinguished gentleman from Alabama [Mr. UNDERWOOD], that it is child's play to pass this bill and seem to grant privileges under it unless its terms are sufficiently liberal effectively to attract private capital. If we are to proceed according to the rules of private finance, we must respect those rules as much as if we were dealing with the principles of chemistry itself. I quite agree with the gentleman, therefore, on the general proposition which he states. But, now, with reference to the facts of a 50-year franchise, do the rules of private finance actually require that this Nation, so far as its now living component parts are concerned, shall surrender irretrievably during a term of half a century control over the subject matter?

I have not heard the discussions on this point. Perhaps if I had heard them I should not be in doubt; but I can not help thinking in that connection that franchises granted by municipalities are not frequently of as great a length of time as 50 years, and yet, despite a limitation of 20 or 25 years, the subject matter is sufficiently attractive to get plenty of capital. Why, sirs, under the laws of Maryland corporations that might seek the privileges accorded in this bill for a franchise of 50 years would have their own corporate lives blown out 10 years before the franchise itself expired, because in Maryland there is a limitation of corporate charters to 40 years. Perhaps Representatives from other States will have other experiences of that kind to apply to the argument.

I would like to ask the gentleman from Alabama, in view of the very extensive attention he has given to this subject, whether he feels assured that the legislation will be useless unless a period as long as 50 years is granted for the enjoyment of the franchise?



Mr. UNDERWOOD. I will say to the gentleman from Maryland that the present law fixes the date at 50 years; and, more than that, this bill puts into the law of the land what is not in the law of the land to-day, and that is the right of regulating the price. Now, that is what the people of the United States are interested in. You may say that the price is not going to be properly regulated. If you say that, why, we might as well abandon legislation and say that we can not legislate in the interests of the people. But if you admit what I believe will be the case—that a reasonable price will be fixed under this law—then the corporation can not amortize its investment, because that regulation will prevent its doing so, in view of the fact that it is going to be paid the fair value of the property at the end of its term, and it should not be allowed to do so.

Then, what are the people interested in—your constituents and mine? They are primarily interested in but two things, in my judgment. One is that at the end of a fixed period the Government may again put its hand on the proposition and reconstruct it. The other is that during the life of that franchise they may receive the power generated by the plant at a fair and reasonable rate, and that is all they are interested in, because if they get their service at a fair price it is a matter of little concern to them who owns the dam and who controls it. Now, that being so, both of these propositions are in this bill without a contest. If the American people can get capital to develop the water power to furnish them light and heat, to create factories and foundries and employ labor, if they are assured that at the end of the fixed period they may recapture the franchise and readjust the conditions, and if during that period there is a fair and reasonable regulation of the price by public authority, I contend that it is not necessary to go further, and that when you put in your contract, as my friend from New Hampshire [Mr. STEVENS] would have you do, the proposition that at the end of 50 years possibly Congress will not for years afterwards live up to its contract and give you back the fair value of the property—not of the franchise or good will, but merely of your property that you put in there—and that you must sit around and can not use your property while you are waiting for Congress to take it away from you—it seems to me that that is absolutely unreasonable.

Mr. LEWIS of Maryland. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. LEWIS of Maryland. Is it the gentleman's opinion that this law would not be reasonably effective in attracting private capital to develop the water power if the limit were 30 years instead of 50 years?

Mr. UNDERWOOD. I do not think it would. I am free to say that there are cases where it will probably take a small consideration to create a very great horsepower. You might invite men in to invest for 30 years or for 20 years, but this bill is being built for all cases. There are a great many cases that may be developed where it is of doubtful expediency, where electric power has no market, where one must create use for the power before he can get any money out of it. It takes time to do that. We are not writing the bill for a particular case. If you had a fall creating a great horsepower situated close to the city of Baltimore, I can see how you might grant a franchise in that instance and have it a valuable proposition lasting only 20 years. But suppose you have it in an interior county in Alabama, where there is no great city built to consume the power; where, after you create an immense horsepower, you must invite capital and invite people to come there and consume it. You must have time to build up your market. Therefore I say let us be reasonable about this proposition; let us give the opportunity on the average to invite capital to put its money into these projects clearly in the interest of the American people, if the promise of this bill is carried out, and reasonable regulation is furnished that will insure the users of that power a fair and reasonable value.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HUMPHREYS of Mississippi. There is a limitation put in section 12 of the bill that the dam must be completed within three years.

Mr. UNDERWOOD. I overlooked that proposition. It was not in the original bill, but was put in by amendment. I am not objecting to that, although I think that very provision limiting the building of a dam to three years will wipe out some of the largest structures of this country.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask that the gentleman's time be extended two minutes.

Mr. DONOVAN. Mr. Chairman, the gentleman from Maryland had the floor.

The CHAIRMAN. The gentleman from Connecticut is right, if he makes that point. The gentleman from Mississippi asks unanimous consent that the time of the gentleman from Alabama may be extended two minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. There are a number of great water-power possibilities in this country that the gentleman is familiar with; Muscle Shoals, for instance. That dam could not possibly be built within three years.

Mr. UNDERWOOD. I agree with the gentleman. I think this bill would exclude a dam at Muscle Shoals, because it could not be constructed within three years.

Mr. HUMPHREYS of Mississippi. All authority, however, to build a dam has to be given by a special act of Congress, and in such case we would be compelled to provide in the special bill additional time for such project.

Mr. UNDERWOOD. I think so.

Mr. STEVENS of Minnesota. What was the time recommended by the engineers in the report to the Committee on Rivers and Harbors as to the construction of a dam at Muscle Shoals, and the term of the grant?

Mr. HUMPHREYS of Mississippi. I do not recollect.

Mr. STEVENS of Minnesota. I think it was 5 to 10 years for construction, and 100 years for the grant, or it could not be financed. That report was made after a very careful and thorough examination by a very able board of engineers, and President Roosevelt advised a term of 99 years for the Rainy River Dam.

Mr. UNDERWOOD. I recognize that some of the biggest dams, like that at Muscle Shoals under the report of the engineers of the War Department, could not be built within three years. I am anxious that the bill should go to the Senate. I realize that we will have to face many things, and that the bill will be largely written in conference, where such things are taken care of. That is the reason I have not offered amendments.

Mr. FERRIS. Mr. Chairman, when the length of the term of 50 years was first suggested to me as an appropriate term, I thought it was too long. At the beginning of the hearing before the Public Lands Committee I thought it was too long, and I had intended to offer an amendment to make it shorter, because the truth is that hydroelectric power is only 24 years old. It was born at Ames, Colo., in 1890, when the first project in the whole world was started. As I say, I thought 50 years was too long, but upon consultation, and having before us authorities which we thought were the best, like ex-Secretary Fisher, the present Secretary Lane, and ex-Forester Gifford Pinchot, who were all of the opinion that the maximum should be 50 years, I have become convinced that 50 years as a maximum is the proper term. It is the maximum. I am not in favor of more. I want 50 years to be the outside, to be the maximum—I want it to be the end. I am fearful as I read section 9 that it is much more. I know that the House wants to get through with this bill and I am sorry to detain the committee, but to my mind this is of so much more importance than the question of the charge for rental that I feel it incumbent on me to say a word. The section starts out with a 50-year term, but it does not stop there. Listen to the reading of the provision on page 10, line 12:

And after the expiration of said 50 years such rights shall continue until compensation has been made to said grantees for the value of its property as hereinafter provided.

Mr. Chairman, it is fair to say that in time the Federal Government when it has exercised the right to retake or to take the property at all if a public purpose or interest may be shown may take it by condemnation; and this may be done irrespective of any recapture section that we may write into the law. So in the last analysis as that language reads, or at least as I understand it, it is not 50 years, but I fear it is forever, until the Federal Government comes in and appropriates money to take it away. I do not think the committee ought to ask that that be done. Water power as applied to hydroelectric power is only 24 years old. We are in this bill granting a term of 50 years. With that additional language we are granting a much longer term. Why? Because at the end of 50 years what does Congress have to do? It has to appropriate a sufficient sum of money to buy that plant and pay the fair value for it, and that means nothing more nor less than condemnation proceedings. Does anyone think that the American Congress at the end of 50 years would appropriate sufficient money to buy water-power plants and all of the accessory works that go with them? My thought is that when the 50-year term expires Congress will do what it often does—just stand by and let



them go on and on, and probably not even fix the conditions that are due the American people at the expiration of the term.

Mr. UNDERWOOD. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. UNDERWOOD. The gentleman has himself introduced a bill in this House that provides for a 50-year grant and that at the end of that time if the power is taken away the reasonable value shall be paid for it. What is the difference between the "reasonable" and "fair" value of it?

Mr. FERRIS. I will deal with that. In the first place, section 5 of our bill does not say for 50 years. It says for a period not greater than 50 years, and it leaves it to the Secretary to say whether or not it shall be even the full term of 50 years; but at the end of 50 years it provides three things that Congress can do. First, Congress may take it over, if it wants to, which it probably will never do; second, Congress can fix new conditions, and allow the same company to re-lease it under a new lease or grant, and that is something that Congress ought to do; and third, Congress can lease it to a third and new party altogether, which is a thing that it probably might want to do. Those are the three specific things provided for in sections 5 and 6 of our bill.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Let me first reply to the gentleman from Alabama. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] suggests to this House and seems to think that at the expiration of 50 years a standstill would come, whereby havoc and disaster would come to the water-power company. No one favors that. I think no such thing would or could happen. If I thought that he was right in that contention, I would stand with him immediately and continue to stand with him. But he is not right about that. What will happen at the end of 50 years or before the end of 50 years? The water-power companies will come to Congress, or to the Secretary of War, or to the body that has control of the matter at that time and secure an additional franchise or extension of the franchise. The reason and the advisability of having that provided for is so that Congress or anyone may then apply the safeguards; may then apply the regulations that in the light of the experience of 50 years we will know should be applied.

Is there anyone here who knows what the growth and development of water power will be in 50 years? It is only 24 years old to-day. Its uses multiply with the close of each day. We light our cities with it and our homes. We heat our homes with it and we cook our food with it; run our street cars; run our railroads, our sewing machines, our electric fans; run our vehicles and do every conceivable thing with it when it is yet an infant only 24 years old. Who knows what we will use it for at the expiration of 74 years, the age it will be plus the 50-year term provided for herein. For that reason I greatly hope that this House may pause for a moment and look at section 9, and I greatly hope that the chairman of the committee and the leader of the House [Mr. UNDERWOOD] may both pause for a moment and see to it that instead of granting a 50-year term we do not grant a much longer term.

Mr. HUMPHREYS of Mississippi. The gentleman recalls that this bill requires that the rates and prices are subject to regulation and change every 10 years.

Mr. FERRIS. Oh, no.

Mr. HUMPHREYS of Mississippi. Oh, yes; according to the amendment that has been adopted.

Mr. FERRIS. That is true only as to the charge. The Sherley amendment provides that we may regulate it at the end of 20 years, and every 10 years thereafter. That refers to the charge and none of the other regulations. That may bring about the very thing that the gentleman from Alabama fears it will—namely, scare away capital, but I believe that 50 years is enough. I do not believe there ought to be any entangling threads or alliances that will let the water-power concern continue to hold it after the 50 years have passed. It is so easy to contend that Congress intended that their rights be perpetual we can scarcely be too careful about what we do. Fifty years is a good, long franchise. It is a franchise that will run beyond the lives of most, if not all, of us here to-day. I repeat we can not be too careful.

Mr. HUMPHREYS of Mississippi. The gentleman provides in his bill that at the expiration of 50 years there are three things which may be done. One is a lease may be granted to another party and other parties than the one originally granted.

Mr. FERRIS. That is one of the things; yes, sir.

Mr. HUMPHREYS of Mississippi. Now, what becomes of the property of the original grantee?

Mr. FERRIS. We provide for that and it is a rule that ought to be laid down—

Mr. HUMPHREYS of Mississippi. What is it?

Mr. FERRIS. We provide that we pay the actual cost for all the property that is nonperishable in character—land, water rights, and anything that will not perish by age and use—and we provide for the fair value for that which is perishable in character, such as machinery, buildings, and so forth. Now, let me proceed further. Both of those provisions are in the interest of the public as distinguished from being in the interest of the power companies.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question there?

Mr. FERRIS. Let me finish this. Both are in the interest of the public. First, because if we get the land back and the nonperishable stuff back at actual cost the public gets the benefit of the growth and increase of the value under the 50-year provision instead of the water-power company; and on the other hand, when we take the perishable property back, such as the buildings, houses, and machinery, which may decay or rust away, we get that at the depreciated value which is the fair value in the interest of the public, because that property is more apt to depreciate than to go up and we give the fair value when we take it over. Does that answer the gentleman? Is not that in the public interest? Is not that what we ought to do?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. UNDERWOOD. I have just referred to the gentleman's bill and I find no language in section 5 that sustains the statement the gentleman made a moment ago.

Mr. FERRIS. Will the gentleman let me take the copy for just a moment?

Mr. UNDERWOOD. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, may I have two or three minutes more?

The CHAIRMAN. Is there objection to the gentleman from Oklahoma proceeding for five minutes? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. I ask the gentleman to read section 5 to the House.

Mr. FERRIS. I will be glad to do so, and this section—

Mr. UNDERWOOD. That is the section about recapture.

Mr. FERRIS. I will be glad to read it to the House. Section 5 of the bill reported by our committee, and I desire Members of the House not to think there is anything antagonistic between the committee, because there is not. These bills are not in conflict over subject matter. One of them deals with the navigable waters of the United States and the other bill has reference to the nonnavigable waters on public lands. There is no navigation in my State, and there is not a bit of water power in my State, so I have no interest in that.

Mr. UNDERWOOD. I do not think there is any conflict between the two bills. Neither charges anything whatever for the good will or franchise. Now, the bill of the gentleman provides that the land on which the house is built, the land acquired, which is small, shall be repurchased at the actual cost, and that for the balance of the property a reasonable price shall be paid. This bill simply provides there shall be nothing paid for franchise or good will and the fair value of the property. Now, that is the only distinction. But if the gentleman will read section 5 of his bill he will see that he makes a condition precedent to the Government taking up the franchise that it shall be paid for.

Mr. FERRIS. I will read the section so that we can understand it.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I will.

Mr. COOPER. The gentleman from Alabama has just said there is no conflict between the bill reported by the Public Lands Committee and the bill reported by the Committee on Interstate and Foreign Commerce. The reason is because the subject matter is different.

Mr. FERRIS. That is what I intended to say.

Mr. COOPER. It is very important it should be put in there, because a reader of the debates would not so understand it.

Mr. FERRIS. I thought I had already stated that these two bills dealt with a different subject matter, and hence, so far as the subject matter is concerned, I think there is no conflict.

Mr. ADAMSON. The gentleman has stated that before.

Mr. FERRIS. The gentleman from Alabama suggested I read section 5, and I will read it:

SEC. 5. That upon not less than three years' notice prior to the expiration of any lease under this act the United States shall have the right to take over the properties which are dependent, in whole or in part, for their usefulness on the continuance of the lease herein pro-



vided for, and which may have been acquired by any lessee acting under the provisions of this act, upon condition that it shall pay, before taking possession, first, the actual costs of rights of way, water rights, lands, and interests therein purchased and used by the lessee in the generation and distribution of electrical energy under the lease, and, second, the reasonable value of all other property taken over—

I think that is what I said—

including structures and fixtures acquired, erected, or placed upon the lands and included in the generation or distribution plant, and which are dependent as hereinabove set forth, such reasonable value to be determined by mutual agreement between the Secretary of the Interior and the lessee, and, in case they can not agree, by proceedings instituted in the United States circuit court for that purpose: *Provided*, That such reasonable value shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible element.

And I make no point of that.

Mr. UNDERWOOD. The gentleman has read as far as I wanted him to go, because the question as to whether it should be reasonable value or fair value is a question that comes in section 10 of this bill, and is not involved. But the question, I said, was in the first bill, and there is a condition precedent that the property should be paid for in section 5.

Mr. FERRIS. Let me proceed just a moment further. Section 6 was the thing that the gentleman thinks the bill does not do. Section 6 does the precise thing I said it did.

Mr. UNDERWOOD. Let me call your attention to your own bill just a moment. It was the proposition I was calling the gentleman's attention to:

Sec. 5. That upon not less than three years' notice prior to the expiration of any lease under this act the United States shall have the right to take over the properties which are dependent, in whole or in part, for their usefulness on the continuance of the lease herein provided for, and which may have been acquired by any lessee acting under the provisions of this act, upon condition that it shall pay, before taking possession—

And so forth.

That is what I said. The gentleman writes in a bill here a condition precedent that the Government must pay a reasonable price for the property. He proposes to support the gentleman from New Hampshire, and he says that you can destroy the property by its nonusage and you can make the man who took it wait until he gets consent to use it. Now, your very bill provides as a precedent, no matter what you do afterwards—and I admit you do provide for other conditions—a condition precedent that the Government must pay for the property. And that is right. You were right to put it in there.

Mr. FERRIS. Now, Mr. Chairman, I did lay down two propositions in my first speech. I will now refer directly to the gentleman. I first say that we provide actual cost for non-perishable property and a fair value for all perishable property. I also assert this to be the proper rule in the interest of the public.

Mr. MADDEN. Will the gentleman yield right there? I wanted to know what the gentleman means by actual cost?

Mr. FERRIS. Actual cost to the power people at the time of purchase.

Mr. MADDEN. You do not say so.

Mr. FERRIS. There is no question about it, as you will find if you read the bill. Section 5 does not say precisely what I said it did, but it was my error in stating it was section 5. I should have stated it was sections 5 and 6. Sections 5 and 6 do the exact things that I stated the bill did. Let me read that:

Sec. 6. That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in section 5 hereof, or does not renew the lease to the original lessee upon such terms and conditions and for such periods as may be authorized under the then existing applicable laws, the Secretary of the Interior is authorized, upon the expiration of any lease under this act, to lease the properties of the original lessee to a new lessee upon such terms, under such conditions, and for such periods as applicable laws may then authorize, and upon the further condition that the new lessee shall pay for the properties as provided in section 5 of this act.

Mr. UNDERWOOD. The gentleman is getting away from the proposition.

Mr. FERRIS. No; I am not. I am right on the question.

Mr. UNDERWOOD. If you want the Government to lease it to somebody else, that is a different question. But the question involved here is whether you can start the machinery before the Government pays for it, and in your own bill you provide as a condition precedent that it shall be paid for before the machinery stops.

Mr. FERRIS. The leader of the House is so much more able as a debater that I hope he will let me go on. I assert that section 5 does precisely what I said it did in the first instance, provides for the nonperishable property at actual cost and the other at fair value, and I again assert that both are in the interests of the public. And I now assert, as I should have done before, but I did not have the bill before me, that that section authorizes the Government—to do what? Three sepa-

rate and distinct things. I assert that under its terms the Government can take it itself if it desires to do so. I assert that in all probability it will not do that, although many municipalities may want to do so. Second, we authorize the Government to re-lease it on new conditions to the first grantee. Third, it authorizes the Government to take it away entirely and let it go to a new man or a new company if that first company fails to do its full duty. In this instance the Federal Government and the public interests have three definite alternatives, whereas under the section as written you can do but one thing, and that is that the Federal Government appropriate enough money to pay for the property and take it over, a thing that they will probably never do.

Mr. LEWIS of Maryland. I want to ask you if under the terms of this act a municipality would have the power to condemn the property privileges? Would they have the right to do so under the license conferred by this act?

Mr. FERRIS. I do not think so. The chairman of the committee having this bill in charge would be much better authority than I on that subject.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. All time has expired on this amendment.

Mr. DONOVAN. Mr. Chairman—

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] has the floor.

Mr. ADAMSON. Mr. Chairman, I am ready to vote if the committee is ready. I do not want to cut off the gentleman from Connecticut [Mr. DONOVAN].

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word.

Mr. STEVENS of Minnesota. I think there are some things that should be stated before a vote is taken.

Mr. ADAMSON. I wanted to ask the gentleman from Oklahoma a question or two if I could get a minute, and then I want the gentleman from Connecticut [Mr. DONOVAN] recognized and the gentleman from Minnesota [Mr. STEVENS] recognized.

Mr. FERRIS. If I can answer the question, I will.

Mr. ADAMSON. I think you recognize, from your remarks, that the Secretary of War may do just what your bill provides, elect some other person to take the property.

Mr. FERRIS. If that be true, and I do not think it is, it should be modified. Section 9 provides that the Government can do but one thing. I thought if that language does appear elsewhere undoubtedly this section should be amended.

Mr. ADAMSON. In reality there are not two substantial differences in the provisions of the two bills.

Mr. STEVENS of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes; I yield to my friend from New Hampshire. But I want to ask the gentleman from Oklahoma [Mr. FERRIS] or the gentleman from New Hampshire—either one of them—a question first.

Mr. FERRIS. I will yield to the abler of the two.

Mr. ADAMSON. I have heard you gentlemen, as I heard the gentleman from Kentucky [Mr. SHERLEY], talk about the inertia of Congress. I understand that you propose that the rights of the parties shall absolutely lapse at the end of 50 years. The enterprise is to go out of business, and it will have nothing at the end of that term. Now, suppose Congress takes the property over. That is confiscation.

Mr. FERRIS. The owner of the dam can do precisely what the street-car franchisees do. We do not grant an indefinite franchise to a street-car company. We grant a franchise for a certain period of time. Nobody assumes that they have to tear up their tracks when the term is out. They simply must come back and submit to the new conditions that are imposed.

Mr. ADAMSON. We have it provided in the bill that Congress shall have the right at the end of 50 years to make new terms and conditions. If you can not trust Congress, I do not know whom you can trust.

Mr. UNDERWOOD. They would say that at the end of 50 years you must stop the wheels.

Mr. ADAMSON. Yes; you say that at the end of 50 years the lights must go out, and the cars that are run by electricity must stop, and the plant must cease operations, because if the man's property is confiscated he will not keep it in repair, and for 10 years before the expiration of the period he will not keep it in repair; and until the gentleman from Oklahoma and the gentleman from New Hampshire can answer me clearly and reasonably and assure me that some provision will be provided or made to prevent this contingency, I can not see any merit in their reasoning.

Mr. FERRIS. Mr. Chairman, will the gentleman yield right there?

Mr. ADAMSON. Certainly.



Mr. FERRIS. Every word that the gentleman says is in support of a perpetual grant, to the end that there may be no difficulty in the exercise of this permit. The gentleman ought to know that there is no more difficulty in making new negotiations at the end of 50 years than there would be at the end of 100 years.

Mr. ADAMSON. The gentleman from Oklahoma knows that I do not favor a perpetual grant. I have announced many times that I do not favor a perpetual grant. This provision is written in harmony with his own bill, with one provision in addition to that in his bill, covering the use of dams on the public domain. What I want to see is that it is made definite and certain enough, so that a man's property will not be cut off at the end of 50 years, so as to induce him to build the dam. If Congress should fail to renew the consent and provide additional conditions, of course the fellow has got to pull up and leave, and leave his property there. Now, instead of answering that, the gentleman from Oklahoma states that I am in favor of a perpetual grant.

Mr. FERRIS. I did not say that.

Mr. ADAMSON. You say that my argument sustains that position. My argument is in favor of allowing the other side to know what his rights will be at the end of 50 years, so that we can persuade him to build the dam.

Mr. STEVENS of Minnesota. Will the gentleman allow me one sentence, to make an argument?

Mr. ADAMSON. The gentleman from Minnesota can get all the time he wants.

Mr. STEVENS of Minnesota. If such conditions as the gentleman states will ever happen, if this amendment be adopted, new legislation will be enacted for the proper extension of the franchise, and this will enforce it.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, there are two matters which the committee should have clearly in mind before it votes on the amendment offered by the gentleman from New Hampshire [Mr. STEVENS]. The first is that a proposition of this kind of any importance can not get under way to do a profitable business for a term of years. The gentleman from Alabama [Mr. UNDERWOOD] showed that every water-power project requires some time in which to fairly start its business. It needs to be organized and worked up, which requires time and money. Some of them require 10 years before they can get fairly on their feet. Any man with any sense in constructing a dam costing two or three million dollars will try to have it finished as soon as he possibly can, because the expense of interest and fixed overhead charges is running, and he can get no returns until the dam shall be finished. So that it is safe to assume that the dam will be finished by the owner as soon as possible.

Now, at the end of 50 years what will happen under this bill? Just what the gentleman from Oklahoma [Mr. FERRIS] stated would happen under the terms of his bill. If you will examine page 10, you will find that Congress has the option of doing three things: First, of taking the property for public use at a fair value; second, to allow it to be taken by any person authorized by Congress, turning it over to anybody else who can handle it better, also for a fair value; and, third, by making terms, as Congress may deem wise, as provided by lines 18, 19, and 20, exactly as the gentleman from Oklahoma contends is the case under his bill. In the franchises in Massachusetts and New Hampshire there is an indeterminate term, subject to practically the same conditions provided here. That is exactly what we try to do—to grant a fair, definite, fixed term, and then an indeterminate term, subject to recall or change on a year's notice.

Mr. STEVENS of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. I can not yield now. That is exactly what we wish to do. We have, first, a fixed term, and then Congress can do as it pleases, as stated by the gentleman from Oklahoma [Mr. FERRIS] in his bill, so that the Government and the people served by it can enjoy all the benefits accruing from the operation of this franchise. Otherwise the property used under franchise will run down and deteriorate and the people can not get the service, and the water resources of the region will not be developed and adequately used. Remember, the people have a right to good service, sure service, as well as low prices, and they can not get them with a plant running down toward the end of its term.

Now, what do you plan shall happen at the end of 50 years? Right now in this House there are several measures pending to extend the time for finishing dams already commenced. Nobody can tell when Congress will act upon matters of that kind.

They may never be acted upon, and the owners who began in good faith may be ruined by our delay and nonaction. I instanced the other day in the general debate the fact that we from Minneapolis and St. Paul have been trying for three years to induce Congress to act upon the disposal of the power of one of its Government dams between our cities.

Nobody can tell or prophesy what Congress will do in a matter of this kind, or when it will act, though I have urged it in and out of season. The power will be wasted, fair understanding will be violated, and plans in larger public improvements will be frustrated. Remember these are matters actually before you right now in which these losses are being suffered. Why can you assume a better condition at any time hereafter? A prudent man will not. None of you dare to fairly assume any improvement, for the very good reason that we are unfitted by our pressure of business to deal with the details of such matters. These must be left to our administration officials if we desire efficient public service. That condition is always possibly to be expected. It will grow worse instead of better with the increased pressure of our business. No one can foresee; and it seems to me if we compel Congress to act affirmatively at any fixed time in the future, these projects are almost sure to fail on that account.

We ought to provide that the projects shall continue under proper regulations, that proper service and prices shall continue, and then give Congress the right, or give some official of the Government the right, to interfere at any time on proper notice, under proper conditions, to protect the interests of the public. Remember, too, that if you fix a limited term without a definite arrangement for the value of the property, at its termination the property must be amortized or paid for during such term. That will compel high rates and possibly inadequate service to the people. The rates must be inordinately high to pay for the property. Then it would be a gamble as to how much could be saved for the owners. That is not the proper way to handle the matter. Make long, sure terms, with low rates, regulated by public authority, partial amortization, with good service. That is the best practice. Now I yield to my friend from Maryland.

Mr. LEWIS of Maryland. I want to ask the gentleman if he does not think it desirable that the cities of the country, on proper occasion, should have the legal power to condemn these plants for their own use?

Mr. STEVENS of Minnesota. We have no constitutional authority to do that under this bill or any other bill. We could not do it though we considered something similar. We can discuss that when we come to section 14, but we could not do it in any other way.

Mr. LEWIS of Maryland. I want to suggest that we ought to take care of that feature of it.

Mr. STEVENS of Minnesota. I doubt whether we have the constitutional power to do it. The States can attend to that themselves, subject to our sovereign and paramount rights of navigation.

Mr. LEWIS of Maryland. If this Congress can make a grant to a private grantee, then in making that grant can it not write into it as a part of it the condition that the State's sovereign privilege of condemnation shall be extended to everything covered by the Federal license?

Mr. STEVENS of Minnesota. We can not extend the authority of the State, nor can we take it away, and we do not need to, for the State has authority to protect her own interests and citizens and do what the gentleman desires, subject to the rights of commerce.

Mr. ADAMSON. If the gentleman will yield, I will state that I submitted that question to the Attorney General, and he held in a letter to me that the States already had the authority to provide for condemnation, and that it is not a Federal function at all connected with this bill.

Mr. STEVENS of Minnesota. The States have the right to make terms as to what shall be done as to the use of the water in navigable streams, subject always to the natural rights as to commerce, and they can make that provision if they please. Congress has no right to fix conditions for the use of the States' power of eminent domain in a matter of this kind.

Mr. LEWIS of Maryland. Why can we not put it in as a condition, when we put property under a Federal license?

Mr. STEVENS of Minnesota. We could not make use of the States' power as a part of our contract, and it is unnecessary, as the way I have suggested is easier and surer, and enables the States and their various subdivisions to get exactly what they want if they go at it properly.

Mr. DONOVAN. Mr. Chairman, I offer the pro forma amendment. I think the committee ought to know the value of a plant of this character. If people in Alabama pay 12 cents per



kilowatt hour for the product of a plant of this character. It is a very valuable franchise. A few days ago, during the debate here, I asked a member of the committee about the prices paid for electricity by consumers. There has been no answer. He stated that he would publish it in his speech and put it in the RECORD.

Mr. STEVENS of Minnesota. I shall do so as soon as I can get the time.

Mr. DONOVAN. How are we going to vote intelligently without this information? Most of us are jurymen in this matter. We know little or nothing about it. From what little information I can get, I believe that 12 or 16 cents per kilowatt hour is an extraordinary price. The gentlemen who appeared before the committee mentioned 50 years as the proposed life of the franchise, and from the evidence it would seem that this committee is more generous than the promoters themselves suggested. The two gentlemen who appeared before the committee giving information are speculators in that line. So far as I can find out, they get two or three times as much out of the public for their product as other like concerns get out of the people.

Now, if this bill and this report are based on that evidence, it is surely for the purpose of assisting a corps of promoters and financiers who are not going to have any actual money in this enterprise. We have in South Norwalk, Conn., a plant of this character that has no water to create power. The coal and oil which create the power have to be brought several hundred miles. That plant was started by a municipal government, and to-day it is paid for. It sells its power to its customers for 3 cents per kilowatt hour, and they sell to the little storekeeper and the little householder—the men who live in the small houses—for 5 and 6 cents per kilowatt hour.

Now, this great committee, and it is an intelligent committee, seems to have forgotten or has not thought that the customers in this country are the ones to be considered. They should have said, "Are we giving something to our people so that they are going to get power for light, power for the factory, at a lower rate than they are getting anywhere else?" That does not seem to have been in their minds. If you take pains to look at the report, you will see that 30 or 40 companies refuse to do certain things on certain work, but you will not find a single line as to the cost of electricity or as to its being delivered as power at any particular rate.

The truth is that while we are a government of the people and for the people, you have to go across the line to Canadian territory, under a monarchy, to find a place where the people are safeguarded and all these things sold to its people at a lower rate than we sell in this country. It would seem, Mr. Chairman, as if our great statesmen have nothing in mind except caring for the great and protecting the strong.

Fifty years is the testimony before the committee, but I admit that later on they asked for more at the prompting and suggestion of the chairman. When the gentleman from Tennessee asked the gentleman about creating a trust or combination they had so much money in the business that some one started to develop it—

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. DONOVAN. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Connecticut asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. DONOVAN. Now, to show you an instance where the people and their interests are looked after, here is what they do for them in the State of Connecticut. This is a Connecticut proposition. You can not always tell just what electricity will cost by comparison with other places. Here is what we furnish: We furnish tungsten lamps at a price much below cost. We give them incandescent lamps free. We give them arc lamps without charge, and we replace meters at the will of the patrons without charge. Nor do we charge for running service wires to premises unless it is difficult, and, besides all that, we furnish power electricity at 3 cents per kilowatt, and at 5 or 6 cents per kilowatt we furnish the little housekeeper and the little storekeeper. Now, in this committee the price to consumers has been forgotten. The whole aim has been to strengthen, to intrench, and to lengthen for promoters of these projects, because they will not be caught with the stock themselves, but will unload it on the unsuspecting public.

Mr. COOPER. Did I understand the gentleman from Georgia to say that the Attorney General has held, as a matter of law, that the State could authorize the condemnation of a dam constructed under a Federal statute in a navigable stream?

Mr. ADAMSON. No; I did not say that. I said I consulted him about the question of putting in the bill a provision for condemnation of land, and be held that the State ought to

provide for the condemnation of land for these water-power projects.

Mr. COOPER. What land?

Mr. ADAMSON. The land necessary to forward the project. Somebody has to own the land.

Mr. COOPER. When it comes to condemnation of this improvement, the dam is the one thing. Condemnation of that would not go to any State.

Mr. ADAMSON. I did not mention the condemnation of dams after construction.

Mr. COOPER. That is the point in this case. The people do not want the property without the dam.

Mr. ADAMSON. You do not need to condemn a dam after it is constructed; all you have to do is to confiscate it.

Mr. COOPER. I do not think anybody in this House wants to confiscate private property.

Mr. ADAMSON. Will the gentleman reciprocate and let me ask him a question?

Mr. COOPER. And I have not seen any indication of that kind.

Mr. ADAMSON. The gentleman asked me a question. Let me play Yankee and ask him a question. If we do not provide some way for him to be settled with at the end of his term, and his right lapses and he has to wait for a new act of Congress and take any such concessions as Congress will give him, might it not result in confiscation if Congress did not act?

Mr. COOPER. There are so many "ifs" in that question that do not rise in the situation before the House that I do not want to take time to answer it. Nobody in the House of Representatives or in the United States of America, I believe, proposes to confiscate private property.

Mr. ADAMSON. Begging the gentleman's pardon, there is no "if" in it. The proposition is that at the end of 50 years his rights terminate.

Mr. ANDERSON. Mr. Chairman, I would like to be heard briefly on this amendment. The vital question in this amendment is one of placing the burden of initiating the action to extend or terminate the term. It is a question of whether at the end of 50 years it is going to be the move of the grantee or the move of the Government. It is a question of whether at the end of 50 years the grantee is going to come to Congress and ask for a new lease of life or whether at the end of 50 years the Congress is going to take some action to terminate the grant. The recapture clause will not accomplish the result expected from this amendment.

I think that the value of the recapture clause in this bill is very much overestimated. The Government does not want these water-power plants. It does not want to operate these water-power plants. It wants the right of recapture simply as a protection to the Government in case the grantee does not fairly operate the plant. It wants it merely as a reservation in the interest of the public. Nobody expects that the Government is ever going to have to use the recapture power. We are simply putting it in this bill as an additional precaution, and that is all. It is a means of bringing the grantee to terms acceptable to the Government in the public interest, but it is a means that the Government would have great difficulty in making effective because of the continuance of the grant until it is exercised. Gentlemen claim that men will not invest their money in these enterprises if there is an absolute cut-off in the grant at the end of 50 years. The answer to that proposition is that men are investing their money every day under just exactly such conditions. I have in my hand a copy of a contract made by the Forest Service with the Pacific Light & Power Co. of California. Article 2 of that contract provides:

Unless sooner revoked by the Secretary, this permit shall terminate and become void at the expiration of 50 years from October 7, 1910.

That is an absolute cut-off.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. ADAMSON. That is on the public domain, and that contract is not hampered by the paramount obligation to navigation, is it?

Mr. ANDERSON. Not at all.

Mr. ADAMSON. It is an absolute power right without having its benefit reduced by obligation to navigation.

Mr. ANDERSON. But the gentlemen who are arguing for an indefinite term are doing so upon the theory that men will not invest their money under the proposed amendment. Exactly the same argument was made with respect to the Sherley amendment, and exactly the same situation exists there with respect to leases made by the Forest Service in the Agricultural Department, and while we are on that proposition I will read the provision in the contract with respect to that proposition:

To pay annually in advance from the 1st day of January, 1913, to the First National Bank of San Francisco, Cal. (United States depository),



or such other Government depository as may be hereafter legally designated, to be placed to the credit of the United States, a rental charge for the occupancy and use of the lands of the United States described and shown upon the maps heretofore referred to, which rental charge shall be calculated from the "rental capacity of the power site" as defined in article 1 hereof, at the following rates per horsepower per year.

It being understood that said estimated rental capacity may be adjusted annually by the Secretary to provide for changes in ownership of lands in reservoir sites and on water-conduit lines, and for changes in length of primary transmission; and it being further understood that at any time not less than 10 years after the issuance of the permit, or after the last revision of rates of rental charge thereunder, the Secretary may review such rental rates and impose such new rental rates as he may decide to be reasonable and proper.

In other words, the Secretary may change the rates every 10 years under this permit. The gentleman from Oklahoma the other day put into the Record a number of water-power projects which were being built and operated under just such a provision as this.

Mr. STEVENS of Minnesota. Will the gentleman yield for a question?

Mr. ANDERSON. Certainly.

Mr. STEVENS of Minnesota. Does not the gentleman realize this difference between projects such as he describes that may cost \$50,000, \$100,000, or \$200,000, where the grantee can get 100 per cent of the potential power out of it, and a project on a navigable stream that may cost \$2,000,000 or \$3,000,000 or \$5,000,000 out of which the man can probably get only 50 per cent of the potential power?

Mr. ANDERSON. Well, I think some of the projects authorized by the Forest Service are just as big as projects authorized on navigable streams. I do not recognize any fundamental difference with respect to the termination of a grant or terms under which a grant may be made; in other words, in the conditions which the Government may exact in permitting the use of something in which it has some kind at least of a property right and which can not be used without its consent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire.

The question was taken, and the Chairman announced the yeas appeared to have it.

Mr. STEVENS of New Hampshire. Division, Mr. Chairman. The committee divided; and there were—ayes 26, yeas 26.

Mr. ANDERSON, Mr. RAINEY, and Mr. STEVENS of New Hampshire. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee divided; and the tellers [Mr. ADAMSON and Mr. STEVENS of New Hampshire], reported that there were—ayes 25, yeas 35.

So the amendment was rejected.

Mr. RAINEY. Mr. Chairman, I make the point of order there is no quorum present. This is one of the most important features of this bill, and it is 6 o'clock. Mr. Chairman, I believe I will withdraw the demand.

Mr. DONOVAN. Mr. Chairman, I make the point of order there is no quorum present.

Mr. ADAMSON. I was going to move to rise when we finish this section.

Mr. DONOVAN. No; I make the point.

The CHAIRMAN. Does the gentleman from Connecticut insist upon his point of no quorum?

Mr. ADAMSON. If the gentleman will let us finish this section I will move to rise.

Mr. GARRETT of Texas. Mr. Chairman, a motion to rise leaves this question pending?

Mr. ADAMSON. No; it is ended, but I wanted to pass the section.

Mr. GARRETT of Texas. But the point of no quorum applies to this section.

Mr. ALAMSON. No; the gentleman from Illinois withdrew it.

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Texas. The gentleman from Illinois made a point of no quorum, which if sustained, would give a yeas-or-nay vote on this amendment.

The CHAIRMAN. No; there is no such thing as a yeas-or-nay vote in the committee.

Mr. DONOVAN. Mr. Chairman, I suggest that these gentlemen make a motion to adjourn if they want to get out of this trouble.

Mr. ADAMSON. The gentleman will not let me make the motion.

The CHAIRMAN. The gentleman from Connecticut renews his point of no quorum.

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Texas. My parliamentary inquiry is this, that if the point of no quorum is good, we vote on this tomorrow in the Committee of the Whole House on the state of the Union again, because this does not settle this question.

Mr. ADAMSON. But the point was withdrawn.

Mr. GARRETT of Texas. But I make the point of order he can not withdraw the point of no quorum without unanimous consent after he has made it.

Mr. ADAMSON. But he did do it.

The CHAIRMAN. The point is simply this, if the Chair understands what the gentleman from Texas is trying to get at, and that is whether or not the amendment has been defeated—

Mr. GARRETT of Texas. That is the point.

The CHAIRMAN (continuing). If the point of no quorum is made.

Mr. GARRETT of Texas. Yes.

The CHAIRMAN. The amendment would have to be voted on again after you got a quorum.

Mr. GARRETT of Texas. That is what I want.

The CHAIRMAN. Now, if the point of order of no quorum is withdrawn, then the amendment is adopted. The question is whether the gentleman wants to make a point of no quorum.

Mr. DONOVAN. Mr. Chairman, the point is made. I call for the regular order.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] makes a point of no quorum. The Chair will count. [After counting.] Sixty-seven Members are present, not a quorum.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16053, an amendment to the general dam act, and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1784. An act restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

#### ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

#### EXTENSION OF REMARKS.

Mr. FOWLER. Mr. Speaker, during the consideration of the Post Office appropriation bill I made a speech on the floor of the House, but have been so busy that I never have extended it in the Record. I ask unanimous consent now to do that.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection? There was no objection.

Mr. TALCOTT of New York. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. Mr. Speaker, I shall object to that, but I will not object to the gentleman printing the letter in the Record.

Mr. TALCOTT of New York. That is the purpose for which I wished to proceed. Mr. Speaker, and that will be all I care to do. I ask unanimous consent, then, to extend my remarks in the Record by printing a letter from the Secretary of Commerce addressed to me.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record by printing a letter from the Secretary of Commerce. Is there objection?

There was no objection.



## ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House adjourned until Friday, July 31, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 17765) to regulate details of majors in the Ordnance Department, reported the same without amendment, accompanied by a report (No. 1049), which said bill and report were referred to the House Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 16738) to provide for the payment of certain moneys to school districts in Oklahoma, reported the same without amendment, accompanied by a report (No. 1050), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 2651) providing for the purchase and disposal of certain lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within portions of Indian reservations heretofore opened to settlement and entry, reported the same without amendment, accompanied by a report (No. 1051), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16720) granting an increase of pension to William McCabe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17947) granting a pension to Louis N. Hickey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18121) to correct the military record of Stephen L. Noland; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WICKERSHAM: A bill (H. R. 18143) providing for a survey and report upon Dry Straits, Alaska, and an estimate of the cost of dredging said channel, and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18144) for the control and conservation of the fisheries of Alaska, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. KEY of Ohio: Resolution (H. Res. 582) authorizing the Clerk of the House to pay, out of the contingent fund of the House, to Jennie Mercer, widow of Philip Mercer, certain sums of money; to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 18145) granting an increase of pension to Jacob Burrier; to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 18146) granting an increase of pension to Ida C. Wilcox; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 18147) to pay a certain sum of money to certain railway post-office employees; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 18148) granting an increase of pension to William Hardenbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18149) granting an increase of pension to William Zuker; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18150) granting an increase of pension to David C. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18151) granting an increase of pension to Hugh M. Parkinson; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 18152) granting an increase of pension to William S. Crowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18153) granting an increase of pension to Washington Kellogg; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 18154) granting a pension to Agnes Hedman; to the Committee on Pensions.

By Mr. GREGG: A bill (H. R. 18155) for the relief of Jennie McC. Harrison; to the Committee on War Claims.

Also, a bill (H. R. 18156) for the relief of certain citizens of Brenham, Washington County, Tex.; to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 18157) for the relief of the trustees of Lebanon Evangelical Lutheran Church, of Shenandoah County, Va.; to the Committee on War Claims.

By Mr. HOLLAND (by request): A bill (H. R. 18158) for the relief of the trustees of Urbanna Episcopal Church, Middlesex County, Va.; to the Committee on War Claims.

Also (by request), a bill (H. R. 18159) for the relief of the trustees of Carmel Baptist Church, Caroline County, Va.; to the Committee on War Claims.

By Mr. REED: A bill (H. R. 18160) for the relief of Israel Henno; to the Committee on Military Affairs.

By Mr. REILLY of Connecticut: A bill (H. R. 18161) granting an increase of pension to Mary J. Finnegan; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 18162) granting a pension to James Morrison; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 18163) granting an increase of pension to John C. Clark; to the Committee on Pensions.

By Mr. WALKER: A bill (H. R. 18164) for the relief of the heirs of Solomon Cohen; to the Committee on Claims.

By Mr. WILSON of Florida: A bill (H. R. 18165) for the relief of Mattie E. Johnson, administratrix; to the Committee on Claims.

By Mr. YOUNG of North Dakota: A bill (H. R. 18166) to correct the military record of A. J. Henry; to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of J. Dorcas and other citizens of Holton, and Minnie Howard and Otto Wiley and others, of Everest, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of Joseph F. Klus and others, of Kenosha, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. FESS: Petitions of citizens of Lebanon, Mason, Waynesville, Spring Valley, Cedarville, and Jamestown, all in the State of Ohio, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. GILL: Petition of San Francisco Metal Trades Council, relative to apprentice system in Navy Department; to the Committee on Naval Affairs.

By Mr. GILMORE: Petition of citizens of the State of Massachusetts, favoring national recognition of Dr. F. A. Cook's polar efforts; to the Committee on Naval Affairs.

By Mr. HART: Petition of the Woman's Christian Temperance Union of the State of New Jersey, 10,700 members, favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. HAYES: Petitions of 1,080 citizens of San Jose, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petitions of 540 citizens of the State of California, favoring national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of citizens of College View, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petitions of Rev. E. J. Goodell, L. G. Carpenter, Arthur Goodell, Miss Eliza Carpenter, Henry Carpenter, Henry Cashman, Goldwin Arnold, Miss Cornelia McPherson, Lafayette L. McKinney, Earl Hobbs, C. J. Matthews, Mrs. Maria Welch, Miss Mary R. Lillie, Mrs. May Vosburg, Eliza Goodell, Mrs. A. Goodell, F. D. Matthews, Mrs. Edna Arnold, Mrs. Grace Curry, Mr. F. L. Curry, Mrs. A. G. Dodge, William Matthews, Mrs. H. Cashman, Mrs. E. Cubit, Edward Cubit, W. H. Coolidge, E. E. Hobbs, Mrs. E. E. Hobbs, W. W. McKinney, C. C. Carpenter, Mrs. Florence Vorce, Mrs. W. H. Hobbs, Mrs. W. H. Coolidge, Clara J. Carpenter, Geo. M. Carpenter, E. I. Dorniny, and Corn

B. Dominy, all of Ellenburg Center, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MILLER: Petitions from the employees of the Oliver Iron Mining Co., Virginia district, Minn., and Canisteo district, Minn., opposing the dissolution of the United States Steel Corporation; to the Committee on the Judiciary.

By Mr. O'HAIR: Petitions of sundry citizens of the State of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of Baptist Church of Poughkeepsie, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Papers to accompany House bill 17865, a bill for increase of pension for Martha Ann Benjamin; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: Petition of International Union of Journeymen Horseshoers against national prohibition; to the Committee on Rules.

By Mr. WHITE: Petitions of W. P. Rice and 3 others, of Lowell; J. W. Barloe and 10 others, of Malta and McConnellsville; Lee L. Cassady and 12 others, of Dresden; Ora Blizzard and 4 others, of Frazeyburg; A. P. Ong and 2 others, of Stockport; J. L. Scott and 8 others, of Beverly and Waterford; S. H. Windelkin and 15 others, of Marietta; C. W. Adams and 7 others, of McConnellsville, all of the State of Ohio, favoring legislation to tax mail-order houses; to the Committee on Ways and Means.

## SENATE.

FRIDAY, July 31, 1914.

(Legislative day of Monday, July 27, 1914.)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

Mr. SMOOT. Mr. President, I believe we ought to have a quorum present this morning. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Newlands	Smoot
Brady	Cummins	Norris	Stone
Brandeggee	Gallinger	Overman	Thomas
Bristow	Hitchcock	Page	Thornton
Bryan	James	Perkins	Tillman
Burton	Jones	Pomerene	Vardaman
Catron	Kenyon	Reed	Walsh
Chamberlain	Kern	Shafroth	West
Chilton	Lane	Sheppard	White
Clapp	Lea, Tenn.	Shields	
Clarke, Ark.	Martine, N. J.	Simmons	
Crawford	Myers	Smith, Ga.	

Mr. THORNTON. I was requested to announce the unavoidable absence of the junior Senator from New York [Mr. O'GORMAN]. I ask that this announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is absent from the city. He is paired with the junior Senator from Arkansas [Mr. ROBINSON]. I will let this announcement stand for the day.

Mr. WHITE. I desire to announce that my colleague [Mr. BANKHEAD] is absent, unavoidably. He is paired. This announcement may stand for the day.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. CLAPP. I desire to announce the unavoidable absence, on account of sickness, of the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I desire this statement to stand for the day.

Mr. GALLINGER. I wish to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH]. He is paired with the junior Senator from New Hampshire [Mr. HOLLIS].

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. JAMES. I desire to announce the unavoidable absence of my colleague [Mr. CAMDEN]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is less than a quorum of the Senate present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. SAULSBURY and Mr. SUTHERLAND answered to their names when called.

Mr. GRONNA, Mr. McCUMBER, and Mr. RANDELL entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, one of its clerks, announced that the House insists upon its amendments to the bill (S. 1644) for the relief of May Stanley, and for other purposes, disagreed to by the Senate, and agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POE, Mr. STEPHENS of Mississippi, and Mr. SCOTT managers at the conference on the part of the House.

### COMMITTEE SERVICE.

Mr. KERN. I desire to have unanimous consent to arrange some committee assignments for the Senator from Kentucky [Mr. CAMDEN] and the Senator from Alabama [Mr. WHITE].

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent at this time to arrange assignments on certain committees.

Mr. BRANDEGEE. Will the Senator permit any morning business to be done other than what he is asking should be transacted?

Mr. KERN. It is not for the Senator from Indiana to permit; the Senator from Indiana is asking permission.

Mr. BRANDEGEE. The Senator asks us to give unanimous consent to his morning business, and I wondered whether he would withhold his consent if we asked leave to transact morning business.

Mr. KERN. If it were a matter of this kind, I certainly would yield to it.

Mr. BRANDEGEE. Of course, we can have no matter of that kind. I assume, at present.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana? The Chair hears none.

Mr. KERN. I am authorized by the junior Senator from Nevada [Mr. PITTMAN] to request that he be relieved from further service upon the Committee on Pacific Railroads and also upon the Committee on Industrial Expositions.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana? The Chair hears none, and the junior Senator from Nevada is relieved from further service upon the committees named.

Mr. KERN. I move the adoption of the following order.

The PRESIDENT pro tempore. The Senator from Indiana presents an order which the Secretary will read to the Senate.

The Secretary read as follows:

Ordered, That Senator FRANCIS S. WHITE, of Alabama, be, and is hereby, appointed to membership on the following committees of the Senate:

Committee on Indian Affairs, to fill the vacancy occasioned by the resignation of Senator STONE therefrom.

Committee on Claims, to fill the vacancy caused by the resignation of Senator OVERMAN therefrom.

Committee on Public Buildings and Grounds, to fill the vacancy caused by the resignation of Senator KERN.

Committee on Civil Service and Retrenchment, to fill the vacancy caused by the resignation of Senator MYERS.

Committee on Public Health and National Quarantine, to fill the vacancy caused by the resignation of Senator HUGHES.

That Senator JOHNSON N. CAMDEN, of Kentucky, be appointed to membership on the following named committees of the Senate:

Committee on Post Offices and Post Roads, to fill the vacancy caused by the resignation of Senator CHILTON therefrom.

Committee on Immigration, to fill the vacancy caused by the resignation of Senator HOLLIS.

Committee on the Census, to fill the vacancy caused by the resignation of Senator POMERENE.

Committee on Industrial Expositions, to fill the vacancy caused by the resignation of Senator PITTMAN.

Committee on the Philippines, to fill the vacancy caused by resignation of Senator WALSH.

Committee on Pacific Railroads, to fill the vacancy caused by the resignation of Senator PITTMAN.

Committee on the University of the United States, to fill the vacancy caused by the resignation of Senator OVERMAN.

The PRESIDENT pro tempore. The question is on agreeing to the order. Unless there is objection it is adopted. The Chair hears none.

Mr. WILLIAMS. I ask unanimous consent out of order to introduce a bill for proper reference.

Mr. SMOOT. I object.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. MARTINE of New Jersey. I do not suppose there is any use for me to ask unanimous consent, but I wish to report a